

**THIRTY-SEVENTH DAY.**

Senate Chamber,

Austin, Texas,

Friday, March 2, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Murphy.
Bowers	Parr.
Burkett.	Pollard.
Clark.	Rice.
Cousins.	Ridgeway.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent.

Baugh.	Strong.
Darwin.	

Absent—Excused.

Bledsoe.	Rogers.
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Prayer by the chaplain.

Pending the reading of the Journal, the same was dispensed with on motion of Senator Wood.

(See Appendix for committee reports and petitions).

**Bills and Resolutions.**

By Senator Wood:

S. B. No. 418, A bill to be entitled "An Act granting and dedicating to the City of Austin, Texas, for exclusively municipal park and other recreational purposes 6.41 acres of land, more or less, situated in or near the City of Austin, with reservation, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senators Bowers and Pollard:

S. B. No. 419, A bill to be entitled "An Act to provide that a certified copy of the record of a judgment or decree, or order or entries, in the United States courts in cases charging violation of the laws against the sale, manufacturing, transportation, posses-

sion, of intoxicating liquors, and the ownership or possession of equipment for the manufacture of such liquor may be introduced in evidence in the State courts in prosecutions for violation of any of the prohibition laws of the State, and shall be prima facie evidence of the guilt of the defendant, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

**Simple Resolution No. 79.**

By Senator Floyd:

Whereas, Governor Pat M. Neff in appointing Hon. W. A. Nabors and Dr. W. M. W. Splawn as members of the Railroad Commission, entered into a gentlemen's agreement with the aforesaid appointees that they would not, while members of said commission, become candidates for any public office except for re-election as members of Railroad Commission; and,

Whereas, We believe that such an understanding will conduce to the benefit of the people of Texas and will be in keeping with the wishes of the late Governor James S. Hogg, the father of the Railroad Commission; therefore, be it

Resolved, That the Senate of Texas do hereby commend and approve the action of Governor Neff and the two new Railroad Commissioners in the understanding which they entered into in the aforesaid particulars.

The resolution was read and adopted.

**Simple Resolution No. 80.**

By Senator Davis:

Be it resolved, by the Senate of the State of Texas, That we commend the efforts of the sympathetic and patriotic people of Texas, who are responding to the call of the distressed and the afflicted peoples of the Near East who have been and are now suffering from the ravages of disease and the devastations of war, and we earnestly express the hope of Texas and of America that the people of the entire world, who are more fortunate, will generously endeavor to alleviate the condition of those distressed and unfortunate people."

The resolution was read and adopted.

**Simple Resolution No. 81.**

By Senator Lewis:

We move that seven of the Senate pages be excused from 10 o'clock a. m. to 1 o'clock p. m. today, and the remainder of them to be excused from 1 o'clock for the balance of the day to attend the athletic events at the University, and that the Sergeant-at-arms designate those who shall remain on duty in the forenoon and those who shall remain on duty in the afternoon.

Pollard, Witt, Floyd, Cousins, Baugh, Doyle, Strong, Holbrook, Darwin, Fairchild, Turner, Lewis, Stuart, Dudley, Rice, Wood, Parr, McMillin, Ridgeway, Murphy, Davis, Burkett, Clark, Watts, Bailey, Thomas.

The resolution was read and adopted.

**S. B. No. 377 on Third Reading.**

On motion of Senator Bowers, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 377, A bill to be entitled "An Act designating the lands acquired by the State of Texas under the provisions of Chapter 3, General Laws, passed at the First Called Session of the Thirty-fourth Legislature, as 'The Washington State Park'; providing for the creation of a commission to be known as 'The Washington State Park Commission'; charging said commission and the State Board of Control with the joint duty of preserving, protecting, improving and beautifying said park, and declaring an emergency."

The Chair laid S. B. No. 377 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent.

Darwin.

Absent—Excused.

Bledsoe.

Rogers.

**S. B. No. 402 on Second Reading.**

On motion of Senator Murphy, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 402, A bill to be entitled "An Act creating and incorporating the Houston Independent School District, and defining its boundaries; providing that said Act shall automatically extend to all territory which may hereafter be included in the new city limits by an extension thereof, and providing how the territory adjacent to said district may become part of said district; authorizing and providing the manner of selection of trustees, and describing their qualifications and terms of office, and organizing the Board of Education of the Houston Independent School District, and continuing the present school board until the organization of the Board of Education; and providing for an election to determine whether the board shall remain appointive, as herein required or shall become elective; prescribing the time and method of holding said election and how the trustees shall be elected thereafter if it is determined by said election that the board shall become elective; validating the appointment of and all official acts done by the present school board; prescribing the oath of affirmation of said trustees; providing for the election of officers of said board, and the meetings, records, and conduct of the business thereof; giving said independent school district, through its said board, the power to manage and control, maintain and operate public free schools within said district, and to prescribe qualifications of, and issue certificates to, teachers; to recognize and validate teachers' certificates and diplomas; to make rules and regulations for the government and conduct of said schools, and for the protection of those attending said schools; to prescribe age limits of pupils, and to enforce their attendance; to employ attendance officers,

and to fix their compensation; to take over and hold in trust for public school property and equipment, and to purchase and lease grounds upon which to erect school buildings and play grounds; to construct, equip and maintain such buildings; to provide for the establishment of schools for the teaching of special subjects, and to prescribe the course of study; to provide all necessary articles for the efficient instruction of the pupils, and operation and maintenance of schools; giving said district through the Board of Education, the power to make contracts, to be a party to actions in courts, without giving bond, either original or on appeal; exempting said district from the levy of executions, attachments and garnishments, and from liability for assignments of wages, and exempting it from liability for damages for personal injuries, or damages to property; and exempting said district and its property from involuntary liens; authorizing it to receive gifts, grants, conveyances, donations and devises for the use of the public free schools of said independent school district; authorizing it to select a depository upon sealed competitive bids, and prescribing and regulating the conduct of such depository, and requiring bond, and forbidding the making of contracts and the making of purchases in excess of \$1,000.00, except upon competitive bids; giving it the power to levy and collect taxes; to issue and dispose of bonds, and providing for the payment of same, and validating all school bonds and school refunding bonds heretofore issued by the City of Houston as an independent school district, as well as by the proper authorities of Harris County Independent School District No. 26; and validating, confirming and approving all official acts of the board of trustees of the school board of said city, as well as of the trustees of Harris County Independent School District No. 25, and as well as the present school board; conferring upon said district the power of eminent domain, and the power to sell, exchange and lease the property thereof; to order elections within said district for the issuance of bonds and for the levy of taxes; and providing for the assumption against the City of Houston of all outstanding school bonds and school

refundng bonds, and of all outstanding bonds of a like kind issued by Harris County Independent School District No. 25, and providing for the payment of interest and the creation of a sinking fund for the liquidation of said bonds, as well as any other bonds which may hereafter be voted; to adopt textbooks; to take the school census; for the removal from office of any member of said board; giving certain officers of said board authority to administer oaths; and providing for a corporate seal, and giving said district through its Board of Education power to manage and control public free schools within said district, and to do all things authorized by this Act; repealing Section 14, Chapter 17, of the Local and Special Laws of the Twentieth Legislature, passed at the Regular and First Called Session thereof, incorporating the City of Houston into an independent school district, said Act having been approved March 18, 1905; and also repealing all Special and General Laws in conflict with the provisions of this Act, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, the committee report that the bill be not printed was adopted, and the bill was passed to engrossment.

#### **S. B. No. 402 on Third Reading.**

On motion of Senator Murphy, the constitutional rule requiring bills to be read on three several days in each house was suspended, and Senate Bill No. 402 was put upon its third reading and final passage by the following vote:

Yeas—29.

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Bledsoe.	Rogers.
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The Chair then laid Senate Bill No. 402 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas—29.**

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

**Absent—Excused.**

Bledsoe. Rogers.

**S. B. No. 271 on Second Reading.**

(Senator Dudley in the Chair.)

On motion of Senator Holbrook, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 271, A bill to be entitled "An Act to repeal an Act approved May 27, 1915, and an Act amendatory thereof, approved April 2, 1918, being respectively Chapter 5 of the General Laws of Texas passed at the First Called Session of the Thirty-fourth Legislature relative to the business of cooperative savings and contract loan companies."

The Chair laid the bill before the Senate, and it was read second time.

Senator Holbrook offered the following amendments to the bill:

**(1)**

Amend the caption of Senate Bill No. 271 by adding the following at the end of line 12:

"And providing for liquidation of corporations operating thereunder."

**(2)**

Amend Section 1 of Senate Bill No. 271 by adding thereto at the end of line 20 the following:

"Provided, however, that the corporations now in existence thereunder shall continue in existence for a period of ten years from and after the passage

thereof, within which time the officers of such respective corporations shall liquidate same, and during such liquidations the assets of all such respective companies shall remain under the supervision and control of the Commissioner of Insurance and Banking. But such corporations, from and after the passage of this Act, shall not sell any further contracts or receive further payments on any contract heretofore sold."

**(3)**

Amend Section 2 of Senate Bill No. 271 by striking out all of same and in lieu thereof substituting the following:

"An emergency and imperative public necessity exists for the immediate repeal of the said Acts, and the suspension of the constitutional rule requiring bills to be read on three several days. Therefore, it is further enacted that said constitutional rule be and the same is hereby suspended, and that this Act take effect and be in force from and after its passage."

The amendments were adopted severally.

The bill was then passed to engrossment.

**S. B. No. 271 on Third Reading.**

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 271 was put upon its third reading and final passage by the following vote:

**Yeas—29.**

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

**Absent—Excused.**

Bledsoe. Rogers.

The Chair then laid S. B. No. 271 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29.

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Bledsoe. Rogers.

**S. B. No. 412 on Second Reading.**

On motion of Senator Pollard, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 412, A bill to be entitled "An Act to amend Chapter Eighteen, Special Laws, Thirty-seventh Legislature, First Called Session, incorporating the Fruitvale Independent School District in Van Zandt County, Texas, providing for the maintenance of elementary schools in said district, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, the committee report that the bill be not printed was adopted, and the bill was passed to engrossment.

**S. B. No. 349 on Second Reading.**

The Chair laid before the Senate as special order, on its second reading,

S. B. No. 349, A bill to be entitled "An Act providing that all fees remitted by county superintendents to the State Department of Education for teachers' examinations, authorized in Section 7, Chapter 129, of the General Laws of the Regular Session of the Thirty-seventh Legislature, also all fees remitted to the State Department of Education by conductors of summer normal institutes, and also any other fees collected by the State Department of Education for any purpose whatso-

ever, shall be paid to the State Treasurer, and providing that such fees shall be appropriated and expended by the Legislature from time to time, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

Senator Pollard moved that the bill be recommitted to the Committee on Educational Affairs.

Yeas and nays were demanded, and the motion to recommit was lost by the following vote:

Yeas—9.

Baugh.	Lewis.
Cousins.	Pollard.
Darwin.	Ridgeway.
Dudley.	Turner.
Floyd.	

Nays—16.

Bailey.	Rice.
Clark.	Strong.
Davis.	Stuart.
Doyle.	Watts.
Fairchild.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	Woods.

Absent.

Bowers.	Holbrook.
Burkett.	Thomas.

Absent—Excused.

Bledsoe. Rogers.

Senator Darwin offered the following amendment to the bill:

Amend S. B. No. 349, page 775 of the Senate Journal, column 1, line 9, by striking out all after the word "Legislature" down to and including the rest of the section.

The amendment was adopted.

Senator Wood offered the following amendment to the bill:

Amend S. B. No. 349 by adding to Section 1 the following:

"Provided this Act shall not take effect until September 1, 1923."

The amendment was adopted.

Senator Wood offered the following amendment to the bill:

Amend S. B. No. 349 by striking out all of Section 2, after the word "suspended."

The amendment was adopted.

The bill was then passed to engrossment.

**S. B. No. 349 on Third Reading.**

On motion of Senator Clark, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 349 was put upon its third reading and final passage by the following vote:

**Yeas—25.**

Bailey.	Murphy.
Baugh.	Parr.
Clark.	Pollard.
Cousins.	Rice.
Darwin.	Ridgeway.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

**Absent.**

Bowers.	Thomas.
Burkett.	Witt.

**Absent—Excused.**

Bledsoe.	Rogers.
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The Chair then laid S. B. No. 349 before the Senate on its third reading and final passage.

The bill was read third time and passed.

**S. J. R. No. 10 on Third Reading.**

On motion of Senator Doyle, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. J. R. No. 10, A Senate Joint Resolution

“Proposing an amendment to Section 51 of Article 3 of the Constitution of the State of Texas to provide that the Legislature may grant pensions to Confederate soldiers, sailors and their widows, who have been citizens of Texas since prior to January 1, 1910, providing that all soldiers, sailors and their widows eligible under the provisions hereof shall be entitled to be placed upon the rolls and participate in the pension fund created hereunder; levying a tax of seven (\$.07) cents on the \$100.00 valuation of property in this State for the payment of said pension, providing that the Legislature may reduce the rate of pension for such purposes, fixing a time for

the election to be held on such amendment, and making an appropriation to pay the expenses thereof.”

The Chair laid S. J. R. No. 10 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas—24.**

Bailey.	Murphy.
Clark.	Parr.
Cousins.	Pollard.
Darwin.	Ridgeway.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
Lewis.	Wood.
McMillin.	Woods.

**Nays—1.**

Baugh.

**Present—Not Voting.**

Rice.

**Absent.**

Bowers.	Witt.
Burkett.	

**Absent—Excused.**

Bledsoe.	Rogers.
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**S. B. No. 353—Recommitted.**

On motion of Senator Bailey, S. B. No. 353, heretofore reported adversely, was recommitted to the Committee on Civil Jurisprudence.

**S. B. No. 341 on Third Reading.**

On motion of Senator Stuart, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 341, A bill to be entitled “An Act to provide a complete educational system commonly known as the county unit system, to be adopted by the respective counties of this State; providing for a special election to be called for the adoption of the system herein provided for; setting forth the general administration of the schools of such counties under a county board of education;

providing for the election of such county board of education, defining their respective powers and duties and stating their qualifications, number to be elected, time and place of meeting of such board; providing for holding of elections in counties adopting the provisions of this Act, authorizing the county boards herein provided for to make a levy for school taxes in any rate not to exceed one (\$1) dollar on the one hundred (\$100) dollar valuation of taxable property in the county as assessed for other county and State taxes; providing for a treasurer of the county school funds, fixing his bond and prescribing his duties; providing for the appointment of a county superintendent of education, fixing his qualifications and duties; prescribing that a general system of classifying and grading all schools in such county shall be adopted; providing for the regulation of the schools as to sanitation and equipment; providing for the creation of districts for the enforcement of the State compulsory attendance law; providing for a system of reports to be required by the county board of education and the State superintendent, and declaring an emergency."

The Chair laid S. B. No. 341 before the Senate on its third reading and final passage.

The bill was read third time and passed.

Senator Woods asked unanimous consent to be recorded as voting against Senate Bill No. 341.

There was no objection offered.

#### **S. B. No. 240 on Third Reading.**

Senator Fairchild moved that the regular order be suspended, and the Senate take up out of its regular order,

S. B. No. 240, A bill to be entitled "An Act to amend Title Eleven, Chapter Six-a (6a) Article 588 1/4 of the Penal Code of the Revised Statutes of the State of Texas so as to provide adequate and proper punishment for the violation of said Chapter, same being the State-wide Intoxicating Liquor Prohibition Law, and declaring an emergency."

The motion prevailed by the following vote:

#### **Yeas—18.**

Bailey.	McMillin.
Baugh.	Murphy.
Clark.	Parr.
Cousins.	Pollard.
Darwin.	Ridgeway.
Davis.	Strong.
Dudlev.	Watts.
Fairchild.	Wirtz.
Holbrook.	Wood.

#### **Nays—3.**

Thomas.	Woods.
Turner.	

#### **Absent.**

Bowers.	Lewis.
Burkett.	Rice.
Boyle.	Stuart.
Floyd.	Witt.

#### **Absent—Excused.**

Bledsoe.	Rogers.
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The Chair then laid S. B. No. 240 before the Senate on its third reading and final passage.

The bill was read third time.

Senator Fairchild moved the previous question on the final passage of the bill.

Question: Shall the main question be now put?

Yeas and nays were demanded, and the main question was ordered by the following vote:

#### **Yeas—20.**

Bailey.	McMillin.
Baugh.	Murphy.
Clark.	Parr.
Cousins.	Pollard.
Darwin.	Ridgeway.
Davis.	Strong.
Doyle.	Thomas.
Dudlev.	Watts.
Fairchild.	Wirtz.
Holbrook.	Wood.

#### **Nays—3.**

Lewis.	Woods.
Turner.	

#### **Absent.**

Bowers.	Rice.
Burkett.	Stuart.
Floyd.	Witt.

#### **Absent—Excused.**

Bledsoe.	Rogers.
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S. B. No. 240 was then passed by the following vote:

**Yeas—13.**

Bailey.	Holbrook.
Clark.	McMillin.
Darwin.	Murphy.
Davis.	Parr.
Doyle.	Watts.
Dudley.	Wirtz.
Fairchild.	

**Nays—11.**

Baugh.	Strong.
Burkett.	Thomas.
Cousins.	Turner.
Lewis.	Wood.
Ridgeway.	Woods.
Pollard.	

**Absent.**

Bowers.	Stuart.
Floyd.	Witt.
Rice.	

**Absent—Excused.**

Bledsoe.	Rogers.
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**Explanation of Vote.**

When S. B. No. 240 (the bill to amend the Dean Prohibition Law) was finally passed, I was absent from the Senate, being in the House at the time on business, and did not know this bill would be called up in my absence, and had I been present would have voted "no."

**BOWERS.**

**S. B. No. 134 on Passage to Third Reading.**

Senator Parr called up S. B. No. 134 relating to Cattle and Sheep Scabies which was read the second time on Feb. 22, and on Feb. 23 was laid on the table subject to call.

The Chair laid the bill before the Senate with the motion to reconsider the vote by which the amendments offered by Senators Wirtz and Cousins were tabled.

The motion to reconsider prevailed, and the amendments were then adopted.

Senator Bowers offered the following amendment to the bill:

Amend S. B. No. 134 by exempting the following counties from provision of said bill: Burleson, Lee, Bastrop, Washington, Brazos and Robertson. The amendment was adopted.

Senator Woods offered the following amendment to the bill:

Amend S. B. No. 134, by exempting from the provisions of the bill the following counties: Navarro, Kaufman and Henderson.

The amendment was adopted.

Senator Cousins offered the following amendment to the bill:

Amend S. B. No. 134 by striking from said bill the counties of Liberty, Jefferson, Orange, Tyler, Hardin, Jasper, Newton, Sabine, San Augustine, Nacadoches..

The amendment was adopted.

Senator Floyd offered the following amendment to the bill:

Amend S. B. No. 134 by exempting from the provisions of the law the following counties: Lamar, Fannin, Red River, Delta; Hopkins, Franklin and Titus.

The amendment was adopted.

Senator Doyle offered the following amendment to the bill:

Amend S. B. No. 134 by exempting from the provisions of this bill the counties of Limestone and Freestone.

The amendment was adopted.

Senator Lewis offered the following amendment to the bill:

Amend S. B. No. 134 by exempting from the provisions thereof the counties of San Jacinto, Polk, Montgomery, Walker, Madison, Leon and Grimes.

The amendment was adopted.

Senator Thomas offered the following amendment to the bill:

Amend S. B. No. 134 by exempting from the provisions the counties of Bell, Bosque, Hamilton and Coryell.

The amendment was adopted.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 134 by striking out the enactment clause.

Yeas and nays were demanded, and the amendment was lost by the following vote:

**Yeas—6.**

Bailey.	Strong.
Dudley	Thomas.
McMillin.	Turner.

**Nays—18.**

Baugh.	Davis.
Bowers.	Doyle.
Clark.	Floyd.
Cousins.	Lewis.
Darwin.	Murphy.

Parr.	Wirtz.
Ridgeway.	Witt
Stuart.	Wood.
Watts.	Woods.

Present—Not Voting.

Holbrook.

Absent.

Fairchild.	Rice.
Pollard.	

Absent—Excused.

Bledsoe.	Rogers.
Burkett.	

The bill was then passed to engrossment.

#### S. B. No. 134 on Third Reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 134 was put on its third reading and final passage by the following vote:

Yeas—24.

Baugh.	McMillin.
Bowers.	Murphy.
Clark.	Parr.
Cousins.	Pollard.
Darwin.	Rice.
Davis.	Ridgeway.
Doyle.	Strong.
Fairchild.	Stuart.
Floyd.	Thomas.
Holbrook.	Wirtz.
Lewis.	Wood.
Dudley.	Woods.

Nays—1.

Turner.

Present—Not Voting.

Bailey.

Absent.

Burkett.	Witt.
Watts.	

Absent—Excused.

Bledsoe.	Rogers.
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The Chair then laid S. B. No. 134 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—18.

Baugh.	Cousins.
Bowers.	Darwin.

Davis.	Ridgeway.
Doyle.	Watts.
Floyd.	Stuart.
Lewis.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Rice.	Woods.

Nays—6.

Bailey.	Pollard.
Dudley.	Thomas.
McMillin.	Turner.

Absent.

Burkett.	Holbrook.
Fairchild.	

Absent—Excused.

Bledsoe.	Rogers.
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(Pair Recorded).

Senator Strong (present), who would vote nay; with Senator Clark (absent) who would vote yea.

(Lieutenant Governor Davidson in the Chair.)

#### S. B. No. 256 on Second Reading.

The Chair laid before the Senate as special order, on its second reading,

S. B. No. 256, A bill to be entitled "An Act creating an Educational Survey Commission to make a thorough survey of the public educational system of the State; providing for its selection by a survey committee, designated in this Act; designating the number of members of said Educational Survey Commission, providing for its organization, and prescribing the qualifications of a majority of the members thereof; providing for a complete report of the findings of and recommendations of the Educational Survey Commission to be made to the Governor and Legislature by December 1, 1924; providing for the employment by the Educational Survey Commission of a survey director and staff of assistants to make a survey of the school system of the State; providing that the Educational Survey Commission and its employees shall have access to all public records and providing a penalty for the violation of this provision of this Act; appropriating the sum of \$50,000.00 (fifty thousand dollars) or as much thereof as may be necessary to defray the expenses of the proposed educational survey and

prescribing the manner of its disbursement; and declaring an emergency."

The bill was read second time, and the committee report carrying the following amendment was adopted:

Amend Senate Bill No. 256, as follows:

Strike out the words "and the principal of an elementary public school" in Section 2 of the bill, and in lieu thereof add the following:

"The principal of an elementary public school, two persons engaged in the state banking business, two persons engaged in farming and two persons engaged in the general mercantile business."

Strike out the words "make a thorough and impartial survey of the school system of the state as to organization," in Section 3 of the bill, and in lieu thereof add the following:

"Make a thorough and impartial survey of the public educational system of the State, including all schools and educational institutions supported in whole or in part by public taxation, and all administrative departments connected therewith, as to means of support, organization,"

Strike out the words "provided that the said report shall include" in Section 6, and in lieu thereof add the following:

"provided that the said report shall be made by the survey commission within the time provided in Section 1 hereof, and shall include"

By striking out the words "State Superintendent of Public Instruction," in Section 6, and in lieu thereof add the following:

"State Comptroller of Public Accounts."

Senator Wood offered the following amendment to the bill:

Amend S. B. No. 256, page 3, line 29, by striking out the words and figures "fifty thousand dollars (\$50,000.00)," and insert in lieu thereof the following: "seventy-five thousand (\$75,000.00)."

Senator Thomas offered the following substitute for the amendment:

Amend S. B. No. 256 by substituting for Wood amendment, "\$10,000.00" for the figures "\$75,000.00," wherever same appears in bill.

THOMAS.  
POLLARD.

Question: Shall the substitute be adopted?

#### H. B. No. 294—House Request Granted.

On motion of Senator Davis, the request of the House for the appointment of a Free Conference Committee on H. B. No. 294 was granted.

#### Recess.

On motion of Senator Wood, the Senate at 12:10 p. m. recessed until 2 p. m. today.

#### Afternoon Session..

The Senate met at 2 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

#### S. B. No. 256 on Engrossment.

The Senate resumed consideration of the special order, the same being S. B. No. 256, on its passage to engrossment, with amendment by Senator Wood, and substitute for the amendment by Senator Thomas pending.

Question: Shall the substitute be adopted?

Senator Thomas withdrew the substitute.

Senator Pollard offered the following substitute for the amendment:

Amend by striking out "\$50,000" wherever it occurs, and insert in lieu thereof "\$25,000."

On motion of Senator Wood, the substitute was tabled.

Senator Cousins moved to table the amendment by Senator Wood.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—12.

Bailey.	Lewis.
Burkett.	Pollard.
Cousins.	Ridgeway.
Doyle.	Strong.
Fairchild.	Watts.
Floyd.	Woods.

Nays—13.

Baugh.	Davis.
Bowers.	Dudley.
Darwin.	Holbrook.

Murphy.                      Wirtz.  
Parr.                          Witt  
Stuart.                      Wood.  
Turner.

Absent.

Thomas.

Absent—Excused.

Clark.

(Pairs Recorded.)

Senator McMillin (present), who would vote yea; with Senator Rogers (absent), who would vote nay.

Senator Rice (present), who would vote yea; with Senator Bledsoe (absent), who would vote nay.

Question then recurred on the amendment by Senator Wood.

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—13.

Baugh.                      Parr.  
Bowers.                      Stuart.  
Darwin.                      Turner.  
Davis.                        Wirtz.  
Dudley.                      Witt.  
Holbrook.                    Wood.  
Murphy.

Nays—13.

Bailey.                      Pollard.  
Burkett.                      Ridgeway.  
Cousins.                      Strong.  
Doyle.                        Thomas.  
Fairchild.                    Watts.  
Floyd.                        Woods.  
Lewis.

Absent.

McMillin.

Absent—Excused.

Clark.

Rogers.

(Pair Recorded.)

Senator Rice (present), who would vote nay; with Senator Bledsoe (absent), who would vote yea.

Senator Floyd offered the following amendment to the bill:

Amend S. B. No. 256 by striking out all of Section 2 after the word "education" in line 9, down to the word "the" in line 13, and by striking out the word "the" in line 13, and insert in lieu thereof the word "three" in said line 13.

Senator Wood moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—13.

Baugh.                      Stuart.  
Bowers.                      Thomas.  
Darwin.                      Turner.  
Dudley.                      Wirtz.  
Lewis.                        Wood.  
Murphy.                      Woods.  
Ridgeway.

Nays—8.

Burkett.                      Floyd.  
Cousins.                      Pollard.  
Davis.                        Strong.  
Fairchild.                    Watts.

Present—Not Voting.

Bailey.                      Doyle.

Absent.

Holbrook.                    Parr.  
Witt.

Absent—Excused.

Clark.

(Pairs Recorded.)

Senator McMillin (present), who would vote nay; with Senator Rogers (absent), who would vote yea.

Senator Rice (present), who would vote nay; with Senator Bledsoe (absent), who would vote yea.

Senator McMillin offered the following amendment to the bill:

Amend by inserting after the word "provided," page 3, line 13, the following: "a majority of whom shall be citizens of the State of Texas."

The amendment was adopted.

Senator Lewis offered the following amendments to the bill:

(1)

Amend Senate Bill No. 256, page 2, line 11, by striking out the word "one" and inserting in lieu thereof the word "two."

(2)

Amend Senate Bill No. 256, page 3, line 1, by striking out the word "shall" and inserting in lieu thereof the word "may."

(3)

Amend Senate Bill No. 256, page 1, line 26, by striking out the word "eleven" and inserting in lieu thereof the word "twelve."

The amendments were adopted severally.

Yeas and nays were demanded, and S. B. No. 256 was then passed to engrossment by the following vote:

Yeas—17.

Baugh.                      Bowers.

Darwin.	Pollard.
Davis.	Ridgeway.
Dudley.	Stuart.
Fairchild.	Thomas.
Holbrook.	Turner.
Lewis.	Wirtz.
Murphy.	Wood.
Parr.	

Nays—6.

Burkett.	Strong.
Doyle.	Watts.
Floyd.	Woods.

Absent.

Cousins.

Absent—Excused.

Clark.

(Pairs Recorded.)

Senator McMillin (present), who would vote nay; with Senator Rogers (absent), who would vote yea.

Senator Bailey (present), who would vote nay; with Senator Witt (absent), who would vote yea.

Senator Rice (present), who would vote nay; with Senator Bledsoe (absent), who would vote yea.

**S. B. No. 256 on Third Reading.**

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 256 was put upon its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Rice.
Darwin.	Ridgeway.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Thomas.
Fairchild.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Wood.
Murphy.	Woods.

Present—Not Voting.

Floyd.

Absent.

Burkett.	Witt.
Cousins.	

Absent—Excused.

Bledsoe.	Rogers.
Clark.	

The Chair then laid S. B. No. 256 before the Senate on its third reading and final passage.

The bill was read third time and passed.

**Reasons for Vote.**

Please record me as voting no on S. B. No. 256. The reason I vote thus is because I do not believe the people of Texas want any appropriations now that we can do without.

STRONG.

**Bills Ordered Printed in Journal.**

H. B. No. 157 and S. B. No. 359, reported adversely with favorable minority reports were ordered printed in the Journal, on motion of Senator Wood.

**S. J. R. No. 13 on Second Reading.**

The Chair laid before the Senate as special order, on its second reading,

S. J. R. No. 13, Joint Resolution amending Section 9 of Article 8 of the Constitution of the State of Texas providing that the Legislature may authorize an annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided that a majority of the qualified tax paying voters of the county voting at an election to be held for that purpose shall vote such tax not to exceed one dollar on the one hundred dollars valuation of the property subject to taxation in such county.

The bill was read second time, and it was passed to engrossment.

**S. B. No. 310 on Second Reading.**

On motion of Senator Bailey, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 310, A bill to be entitled "An Act to amend Sections 5 and 15 of Chapter 58, General Laws, passed at the Second Called Session of the Thirty-sixth Legislature, relating to and regulating the practice of veterinary medicine and veterinary surgery in this State; and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time and was passed to engrossment.

#### S. B. No. 310 on Third Reading.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days in each house, was suspended, and S. B. No. 310 was put upon its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent.

Baugh.

Absent—Excused.

Bledsoe.	Rogers.
Clark.	

The Chair then laid S. B. No. 310 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—21.

Bailey.	Parr.
Burkett.	Pollard.
Cousins.	Ridgeway.
Davis.	Strong.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
McMillin.	Woods.
Murphy.	

Nays—4.

Bowers.	Lewis.
Darwin.	Stuart.

Absent.

Baugh.	Watts.
Rice.	

Absent—Excused.

Bledsoe.	Rogers.
Clark.	

#### H. B. No. 136 on Passage to Third Reading.

Senator Burkett called up H. B. No. 136, relating to public roads and highways, which was read the second time on February 21, and laid on the table subject to call.

The Chair laid the bill before the Senate.

Senator Burkett offered the following amendments to the bill:

(1)

Amend H. B. No. 136, page 2, at the end of line 11, by adding the word "Cherokee," and by inserting the word "Glasscock" between the words "Gonzales" and "Hardin" in line 17; by adding the word "Howard" at the end of line 25; and strike out the word "Stephens" in line 32.

(2)

Amend caption to H. B. No. 136 by adding the words Cherokee, Glasscock, Howard and Mills after the word Upton in line 27 of the caption.

(3)

Amend House Bill No. 136, page 1, line 26, by striking out the word "Stephens."

(4)

Amend the caption of House Bill No. 136, page 1, line 27, by adding after the word "Upton" the following:

"And further amending the said Act in Sections 7, 9 and 36 thereof, so as to provide that the commissioners' court shall have the power and authority to employ a road superintendent who shall serve, doing the will of the commissioners' court, and receive such compensation as shall be provided by them, and in the absence of the employment of said superintendent, all the duties conferred upon him by this Act may be performed by the commissioners' court and the commissioners respectively in their several precincts."

(5)

Amend House Bill No. 136 by inserting three new sections on page 3, between lines 15 and 16.

Sec. 2. Section 7 of said Act shall be so amended as to hereafter read as follows:

Sec. 7. The county commissioners' court of each county in hereby authorized, empowered, in their discretion, to employ a suitable person as road

superintendent who shall hold his position at the will of said commissioners' court, and be employed for such period of time as in their judgment shall be deemed proper and necessary. That the said superintendent shall be an employe of the county under the supervision and direction of the commissioners' court, shall receive such salary as they shall provide, and shall devote his entire time to the construction and maintenance of the county roads as provided in this Act.

Sec. 2b. That Section 9, of said Chapter 42 of the General Laws be amended so as to read as follows:

Sec. 9. The county commissioners' court acting upon their own motion, or through the superintendent where one is employed, shall have the power and authority to regulate the tonnage of trucks and heavy vehicles which by reason of the construction of the vehicle or its weight and tonnage of the load shall tend to rapidly deteriorate or destroy the roads, bridges and culverts along the particular road or highway sought to be protected, and notices shall be posted and shall state the maximum load permitted and the time such use is prohibited and shall be posted upon the highway in such places as will enable the drivers to make detours to avoid the restricted highways or portions thereof.

Provided further, that if the owner or operator of any such vehicle feels himself aggrieved by such action, he may complain in writing to the county judge of such county, setting forth the nature of his grievance. Upon the filing of such complaint the county judge shall forthwith set down for hearing the issue thus raised for a certain day, not more than three days later, and shall give notice in writing to such road official of the day and purpose of such hearing, and at such hearing the county judge shall hear testimony offered by the parties respectively, and upon conclusion thereof shall render judgment sustaining, revoking or modifying such order theretofore made by the county road superintendent, and the judgment of the county judge shall be final as to the issues so raised.

If upon such hearing the judgment sustains the order of the county road superintendent, and it appears that any violation of same has been committed by the complainant since posting such notices, he shall be subject to the same penalty hereinafter provided for such

offense as if same had been committed subsequent to the rendition of such judgment made upon such hearing.

Any party guilty of violating the provisions and directions of such order of the county road superintendent after it has been so approved by such judgment of the county judge shall be guilty of a misdemeanor and fined in any sum not exceeding \$200.00.

The owner, operator, driver or mover of any vehicle, object or contrivance over a public highway or bridge shall be jointly and severally responsible for all damages which said highway or bridge may sustain as the result of negligent driving, operating or moving of such vehicle or as a result of operating same at a time forbidden by the road superintendent, and the amount of such damages may be recovered in an action by law by the county judge for the use of the county, and such recovery shall go to the benefit of the damaged road. It is hereby made the duty of the county attorney to represent the county in the prosecution of such suits.

(6)

Sec. 2c. That Section 36 of said Chapter 42 of the General Laws of the First Called Session of the Thirty-seventh Legislature be amended so as to read hereafter as follows:

Sec. 36. Should the commissioners' court of any county elect not to employ a superintendent, as herein authorized and provided, then the said court is vested with all the power and authority conferred by this Act, and each county commissioner shall within his commissioners' precinct be ex-officio road superintendent, with power and authority to control and direct the patrolmen and to do any and all acts herein conferred upon the said road superintendent wherever employed.

(7)

Amend House Bill No. 136 so that Section No. 2 in the printed bill shall be hereafter called Section No. 3.

(8)

Amend caption to House Bill No. 136, page 2, line 32, by striking out the word "Stephens."

The amendments were adopted severally.

H. B. No. 136 was then passed to third reading.

**H. B. No. 254 on Third Reading.**

On motion of Senator Darwin, by unanimous consent, the regular or-

der was suspended, and the Senate took up out of its regular order.

H. B. No. 254, A bill to be entitled "An Act fixing in counties having a population in excess of one hundred and fifty thousand inhabitants the compensation of district attorneys and providing for the appointment of assistant district attorneys, investigators, stenographers, deputies and other employes, and providing for their salaries and the manner of their payment, and repealing all laws in conflict herewith, with exceptions, and declaring an emergency."

The Chair laid H. B. No. 254 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas—22.**

Bowers.	McMillin.
Burkett.	Parr.
Cousins.	Pollard.
Darwin.	Ridgeway.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.

**Nays—1.**

Woods.

**Absent.**

Bailey.	Rice.
Baugh.	Strong.
Murphy.	

**Absent—Excused.**

Bledsoe.	Rogers.
Clark.	

**S. B. No. 265 and H. B. No. 410 on Second Reading.**

The Chair laid before the Senate, as special order, on its second reading,

S. B. No. 265, A bill to be entitled "An Act requiring the erection of adequate fire escapes on certain classes of three or more story buildings, etc."

Whereupon under the rules, the Chair laid before the Senate on its second reading, H. B. No. 410, being a bill on the same subject.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days in each house, was suspended, and H.

B. No. 410 was put upon its second reading and passage to third reading by the following vote:

**Yeas—23.**

Bowers.	Pollard.
Burkett.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Lewis.	Wood.
Bledsoe.	Woods.
Parr.	

**Nays—2.**

Bailey.	Holbrook.
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**Absent.**

Baugh.	Rice.
Murphy.	

**Absent—Excused.**

Bledsoe.	Rogers.
Clark.	

The Chair then laid before the Senate on its second reading and passage to third reading,

H. B. No. 410, A bill to be entitled "An Act requiring the erection of adequate fire escapes on certain classes of three or more story buildings now or hereafter constructed in this State, and making it the duty of the owners of such buildings and the duty of all boards, commissions, boards of trustees of public schools, county commissioners' courts, city councils, boards of city commissioners, and all officials having charge or supervision of public buildings within the provisions of this Act and owned by this State or by any county, city, town or school district to provide such buildings with adequate fire escapes; defining the terms 'owner,' 'story,' and 'adequate fire escape,' and fixing minimum specifications for adequate fire escapes and requiring the maintenance of exit and guide lights and signs to fire escapes and making it an offense to obstruct the free access to any fire escape; fixing the time within which such buildings shall be equipped with fire escapes and exempting from this Act certain buildings already equipped with fire escapes meeting certain requirements; fixing penalties for violation of any provision of this Act by own-

ers of buildings, and making it an offense for any person as agent to represent a non-resident owner of any building within the provisions of this Act who fails to comply with this Act and fixing penalties therefor; providing that the State Fire Marshal shall have general supervision of the enforcement of this Act, and making it his duty and the duty of certain other officials to give notice of the provisions of this Act and file complaints for violation of its provisions, and authorizing private persons to file such complaints, and making it the duty of County Attorneys, and District Attorneys under certain conditions, to prosecute such complaints; providing that the Attorney General of the County and District Attorneys may proceed by suit or injunction to enforce the provisions of this Act, and permitting such suits to be prosecuted on the relation of said officials or of the State Fire Marshal or any inspector of the State Fire Commission, or the chief of any fire department or the Fire Marshal of any city or town, or of any private person, and authorizing District Courts and Judges thereof to issue mandatory injunctions and other writ to enforce the provisions of this Act; providing that if any section, paragraph or provision of this Act be held unconstitutional that such holding shall not affect the remaining sections, paragraphs or provisions hereof; repealing Chapter 70 of the Acts of the Regular Session of the Thirtieth Legislature passed and approved April 6, 1907, and Chapter 12 of the Acts of the Regular Session of the Thirty-fourth Legislature passed and approved February 16, 1915, and Chapter 140 of the Acts of the Regular Session of the Thirty-fifth Legislature passed and approved March 30, 1917, all relating to fire escapes, and also repealing Articles 861 to 867 inclusive of the Penal Code of the Revised Criminal Statutes of 1911, and all laws or parts of laws in conflict with this Act and declaring an emergency."

The bill was read second time.

The committee report that the bill be not printed was adopted, and the Senate rule requiring committee reports to lie over one day was suspended.

Senator Holbrook moved to lay the bill on the table subject to call.

On motion of Senator Bowers, the

motion to lay on the table was tabled.

Senator McMillin offered the following amendment to the bill:

Amend H. B. No. 410 by adding at the end of Section 18 the following:

"The provisions of this Act requiring the construction of standard fire escapes shall not apply to grain elevators of steel, or steel and concrete construction, nor to wooden elevators where less than five persons are employed.

Senator Parr moved to table the amendment.

Yeas and nays were emanded and the motion to table was lost by the following vote:

**Yeas—8.**

Bowers.	Ridgeway.
Burkett.	Turner.
Doyle.	Witt.
Parr.	Wood.

**Nays—16.**

Darwin.	Pollards.
Dudley.	Rice.
Fairchild.	Strong.
Floyd.	Stuart.
Holbrook.	Thomas.
Lewis.	Watts.
McMillin.	Wirtz.
Murphy.	Woods.

**Present—Not Voting.**

Cousins.

**Absent.**

Bailey.	Bledsoe.
Baugh.	Davis.

**Absent—Excused.**

Clark.	Rogers.
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The amendment was then adopted.

H. B. No. 410 was then passed to third reading.

**H. B. No. 410 on Third Reading.**

Senator Parr moved that the constitutional rule requiring bills to be read on three several days in each house, be suspended, and H. B. No. 410 be put upon its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths vote:

## Yeas—19.

Bowers.	Pollards.
Burkett.	Rice.
Darwin.	Ridgeway.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	

## Nays—7.

Bailey.	Strong.
Cousins.	Thomas.
Fairchild.	Woods.
Holbrook.	

## Absent.

Baugh.	Floyd.
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## Absent—Excused.

Bledsoe.	Rogers.
Clark.	

**S. B. No. 21 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage

S. B. No. 21, A bill to be entitled "An Act to permit defendants in cases in which requisitions have been issued for them by the Governor and where they appeal their cases to the Court of Criminal Appeals to give bond the same as defendants in other felony cases, and declaring an emergency."

The bill was read third time and passed.

**S. B. No. 216 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage

S. B. No. 216, A bill to be entitled "An Act amending Chapter 3, of Title 49, of the Revised Civil Statutes of 1911, by adding after Article 2933 another article numbered 2933a, providing a means by which candidates may get their names on the official ballots in elections to fill vacancies in the Senate or House of Representatives of this State; and declaring an emergency."

The bill was read third time and passed by the following vote:

## Yeas—28.

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Pollards.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

## Absent—Excused.

Bledsoe.	Rogers.
Clark.	

**S. B. No. 219 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 219, A bill to be entitled "An Act amending Article 695a of the Penal Code of the State of Texas."

The bill was read third time and passed.

**S. B. No. 207 on Third Reading.**

The Chair laid before the Senate, as regular order, on its third reading and final passage

S. B. 207, A bill to be entitled "An Act to regulate the taking of fish from that part of fresh water streams situated within the limits of any incorporated city, town or village in this State; prescribing a penalty for the violation of this Act and declaring an emergency."

The bill was read third time and passed.

**S. B. No. 248 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 248, A bill to be entitled "An Act to require a record kept and report made of attendance of teachers at summer normals and county institutes and providing full pay for attendance upon teachers' institutes."

The bill was read third time and passed.

**S. C. R. No. 19—Committee Appointed.**

The Chair announced the appointment of Senators McMillin and Lewis, as the committee to carry out the provisions of S. C. R. No. 19.

**H. B. No. 134—Free Conference Committee Appointed.**

The Chair announced the appointment of the following Free Conference Committee on the part of the Senate on H. B. No. 134: Senators Cousins, Darwin, Davis, Stuart and Pollard.

**S. B. No. 301—Free Conference Committee Report.**

Senator Fairchild called up the Free Conference Committee Report on S. B. No. 301.

The Chair laid before the Senate, the report of the Free Conference Committee, which was read as follows:

Conference Committee Room,  
Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate, and Hon. R. E. Seagler, Speaker of the House.

Gentlemen: We, your Free Conference Committee, to whom was referred S. B. No. 301, beg leave to report that we have carefully considered the same and report it back with the recommendation that it do not pass, but the following Committee Substitute do pass:

Committee Substitute for S. B.  
No. 301.

A BILL

To Be Entitled

An Act requiring the State Insurance Commission to make, establish and promulgate classifications of hazards and rates of premium under the Workmens' Compensation Law of this State and to prescribe standard workmens' compensation policy forms; requiring all companies and associations writing workmens' compensation insurance to use the classifications, rates and policy form established, promulgated and prescribed by the commission; providing for the use of classifications, rates and forms now on file with and approved by the Commissioner of Insurance un-

til classifications, rates and policy forms have been made and prescribed by the commission; requiring the commission to assemble data for use in establishing classifications and rates and requiring the Commissioner of Insurance to deliver to the commission all data under his control now used in establishing classifications, rates and policy forms; authorizing and empowering the commission to require sworn statements from insurance companies and associations containing certain statistical data and requiring the commission to prescribe necessary forms for such statements; fixing the manner in which the commission shall determine hazards and prescribing the time and character of rates which shall be fixed and providing what data shall be taken into consideration by the commission in fixing rates; providing for hearings before the commission and the manner in which the same shall be conducted; requiring the use of uniform policy for workmens' compensation insurance but allowing any company or association to use any form of endorsement appropriate to its plan of operation, providing the same shall first be approved by the commission and providing any contract or agreement not written into the application and policy shall be void and providing for penalty for violation; providing that no company or association shall be prohibited from writing workmens' compensation insurance on the mutual, reciprocal, inter-insurance exchange or Lloyd's plan, and that no stock company or other company or association shall be prohibited from sharing profits with policy-holders but providing that no dividends to policy-holders shall take effect until approved by the commission, and providing that no dividends shall be approved until adequate reserves have been provided; fixing the salaries of the members of the commission hereunder and providing for expenditures to meet expenses hereunder, and fixing a maximum amount of such salaries and expenditures, providing for the annual assessment and collection of a tax on premiums for workmens' compensation insurance policies to defray the sal-

aries and expenses of the commission hereunder and providing that any unexpended balance shall be transferred to the general revenue of the State; empowering the commission to make and enforce rules and regulations negating the applications hereto of any of the provisions creating the State Insurance Commission; defining the words "company" and "association," repealing Sec. 16c and 17 of Part III and part of Sec. 2 of Part IV of Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature, known as the Workmen's Compensation Law, and all other sections or parts of sections of said law and all other laws or parts of laws in conflict herewith or with any provision hereof; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That in addition to the duties now imposed by law upon the State Insurance Commission, hereinafter called the commission, created by Chapter 106 of the General Laws of the Thirty-third Legislature, the said Commission shall hereafter make, establish and promulgate all classifications of hazards and rates or premium respectively applicable to each, contemplated and provided for by Chapter 103 of the General Laws of the Thirty-fifth Legislature of the State of Texas passed at the Regular Session of the Thirty-fifth Legislature, known as the Workmen's Compensation Law, and shall prescribe standard policy forms to be used by all companies or associations writing workmen's compensation insurance in this State.

Sec. 2. After the taking effect of this Act, no company or association authorized to write workmen's compensation insurance in this State shall, except as hereinafter provided for, use any classifications of hazards, rates of premium or policy forms other than those made, established and promulgated and prescribed by the commission.

Sec. 3. After this Act shall take effect, the commission shall assemble all necessary data for its use in establishing classifications of hazards and making and promulgating premium

rates, and the Commissioner of Insurance of this State shall be and is hereby required to deliver to the commission all books, files, papers, and records of every character under his control now used in establishing classifications of hazards and making and promulgating premium rates and prescribing policy forms.

Sec. 4. Until the commission shall have established and promulgated its classifications of hazards and premium rates and policy forms, the classifications and rates and forms now on file with and approved by the Commissioner of Insurance shall remain in effect.

Sec. 5. The commission is hereby authorized and empowered to require sworn statements from any insurance company or association affected by this Act showing the payroll reported to it and incurred losses by classifications and such other information which in the judgment of the commission may be necessary or helpful in determining proper classifications, rates and forms. The commission shall prescribe the necessary forms for such statements and reports, having due regard to the rules, methods and forms in use in other states for similar purposes in order that uniformity of statistics may not be disturbed.

Sec. 6. The commission shall determine hazards by classes and fix such rates of premium applicable to the payroll in each of such classes as shall be adequate to the risks to which they apply and consistent with the maintenance of solvency and the creation of adequate reserves and a reasonable surplus, and for such purpose may adopt a system of schedule and experience rating in such manner as to take account of the peculiar hazard of each individual risk, provided such rates shall be fair and reasonable and not confiscatory to any class of insurance carriers authorized by law to write workmen's compensation insurance in this State. To insure the adequacy and reasonableness of rates, the commission shall take into consideration an experience gathered from a territory sufficiently broad to include the varying conditions of the industries in which the classifications are involved, and over a period sufficiently long to insure that the rates determined therefrom shall be just, reasonable, and adequate rates, and to that end the commission shall ex-

change information and experience data with the rate-making bodies of other states and shall consult any national organization or association now or hereafter existing for the purpose of assembling data for the making of compensation insurance rates.

Sec. 7. Any policy holder, insurance company, or association shall have the right to a hearing before the commission on any grievance occasioned by the promulgation of any classification, rate or policy form by the commission; such hearing to be held in conformity with rules to be prescribed by the commission. No hearing shall suspend the operation of any classification, rate or policy form unless the commission shall so order.

Sec. 8. In addition to the duty of prescribing classifications and rates, the commission shall prescribe a uniform policy for workmen's compensation insurance and no company or association shall thereafter use any other form in writing workmen's compensation insurance in this State, provided, however, that any company or association may use any form of endorsement appropriate to its plan of operation, provided such endorsement shall be first submitted to and approved by the commission, and any contract or agreement not written into the application and policy shall be void and of no effect and in violation of the provisions of this Act, and shall be sufficient cause for revocation of license to write workmen's compensation insurance within this State.

Sec. 9. Nothing in this Act shall be construed to prohibit the operation hereunder of any stock company, mutual company, reciprocal or inter-insurance exchange or Lloyd's association or to prohibit any stock company, mutual company, reciprocal or inter-insurance exchange or Lloyd's association issuing participating policies, provided no dividend to subscribers under the workmen's compensation Act shall take effect until the same has been approved by the commission; and provided further, that no such dividend shall be approved until adequate reserves have been provided, said reserves to be computed on the same basis for all classes of companies or associations operating under this Act, as prescribed under the insurance laws of the State of Texas.

Sec. 10. The members of the com-

mission other than the Commissioner of Insurance shall each receive as compensation or salary for their services under this Act, in addition to their compensation as now fixed by law, the sum of one hundred dollars (\$100.00) per annum; and the Commissioner of Insurance shall receive as compensation or salary for his services under this Act, in addition to his compensation or salary as now fixed by law, the sum of fifty dollars (\$50.00) per annum. Such additional compensation or salary herein provided for, together with the necessary compensation of experts, the clerical force and other persons employed by the commission to carry out the purposes of this Act, and all necessary traveling expenses and such other expenses as may be necessarily incurred in carrying out the provisions of this Act, shall be paid by warrants drawn by the Comptroller upon the State Treasurer upon the order of the commission; provided, that the total amount of all salaries and said other expenses under this Act shall not exceed the sum assessed and collected from said companies and associations.

Sec. 11. For the purpose of paying the additional compensation or salaries of the members of the commission under this Act, and of defraying the expenses of carrying out the provisions of this Act, there shall be annually assessed and collected by the State of Texas from each and every company and association writing workmen's compensation insurance in this State, in addition to all other taxes now imposed, or which may hereafter be imposed by law, a tax of three-fifths of one per cent. of the gross premiums collected by such company or association during the preceding year, under workmen's compensation insurance policies written by said companies and associations covering risks in this State, according to the reports made by the Commissioner of Insurance as required by law; and said taxes when collected shall be placed in a separate fund with the State Treasurer to be expended during the current year in carrying out the provisions of this Act; provided that such expenditures, including the salaries of the members of the commission, hereunder, shall not exceed in the aggregate the sum assessed and collected from said companies and associations; and, should there be an

unexpended balance at the end of the year, such unexpended balance shall be transferred by the State Treasurer to the credit of the general revenue of this State.

Sec. 12. The commission is hereby empowered to make and enforce all such reasonable rules and regulations not inconsistent with the provisions of this Act as are necessary to carry out its provisions.

Sec. 12a. Any company or association, or officer or representative thereof, which shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars for the first offense, and upon conviction of a second offense, in addition to such fine, the Commissioner of Insurance shall cancel the license of such insurance company or association or person to transact workmen's compensation business in this State.

Sec. 13. No provisions of the Act creating the State Insurance Commission hereinbefore referred to, with regard to the fixing and promulgation of rates for fire insurance or the prescribing of fire insurance policies and forms shall be applicable to the fixing of compensation insurance classifications or the making of compensation insurance rates or the prescribing of compensation insurance policy forms; but the provisions of this Act shall be construed and applied independently of any other law or laws, or parts of law, having to do with the matter of insurance rates and forms or of fixing the duties of the State Insurance Commission.

Sec. 14. Whenever the words "company" and "association" are used in this Act the same shall mean the Texas Employers' Insurance Association, or any stock company, or any mutual company, or any reciprocal, or any inter-insurance exchange, or Lloyd's association, authorized by the Commissioner of Insurance to write workmen's compensation insurance in this State.

Sec. 15. Sections 16c and 17 of Part III, Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature of the State of Texas, known as the Workmen's Compensation Law, and so much of Sec. 2 of Part IV of said Workmen's Compensation Law as provides that any insurance company "shall file

with the Commissioner of Insurance and Banking its classifications of hazards with the rates of premium respectively applicable to each, none of which shall take effect until the Commissioner of Insurance and Banking has approved same as adequate to the risks to which they respectively apply and not less than charged by the association," and any other section or sections, or parts of any section or sections, of said Workmen's Compensation Law in conflict herewith or with any provision hereof, and all other laws or parts of laws in conflict herewith or with any provision hereof, are hereby repealed.

Sec. 15a. Said commission shall publish all rates promulgated by it as effect compensation insurance in this State, and said rates, or any change therein, shall be published fifteen (15) days before they become effective and in force.

Sec. 15b. The term Commissioner of Insurance as used in this Act shall be held to mean the Commissioner of Insurance and Banking as now constituted, or such officer as may hereafter be head of the Insurance Department of this State.

Sec. 16. If any part of this Act be for any reason held unconstitutional, it shall not affect any other portion or part of this Act.

Sec. 17. The fact that there is now no properly organized State authority for the making and promulgating of classifications and rates for compensation insurance in this State, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days in each House, and that this Act shall take effect and be in force from and after its passage; and it is so enacted.

FAIRCHILD..

BLEDSE.

DAVIS.

POLLARD..

McMILLEN.

On the part of the Senate.

BAKER of Milam.

POOL.

LACKEY..

WALLACE..

BONHAM.

On the part of the House.

On motion of Senator Fairchild, the report was adopted.

**H. B. No. 60—Free Conference Committee Report.**

Senator Fairchild called up the Free Conference Committee Report on H. B. No. 60.

The Chair laid before the Senate, the report of the Free Conference Committee, which was read as follows:

Conference Committee Room,  
Austin, Texas, March 2, 1923.

Hon. R. E. Seagler, Speaker of the House; Hon. T. W. Davidson, President of the Senate.

Sirs: We, your Free Conference Committee, to whom was referred H. B. No. 60, beg leave to submit the following report:

We recommend that H. B. No. 60 do not pass as written but that the following committee substitute do pass:

Conference Committee Substitute for  
H. B. No. 60.

**A BILL**

To be entitled

An Act to create and provide for a Department of Insurance for the State of Texas, separate and distinct from the Department of Banking of this State; vesting therein and giving to it jurisdiction of all matters, things, powers and functions of the Department of Insurance and Banking, except such as may have been divested therefrom and vested in the Department of Banking; and giving to it all the powers, jurisdiction, things and functions now vested in the State Insurance Commission. Providing that the present Commissioners shall continue to hold their respective positions until their successors are appointed and qualified as now provided by law; and providing for the appointment, term of office, name, compensation and prescribing the qualifications, powers and duties of the Commissioner of Insurance. The purposes of this Act being to consolidate the State Insurance Commission with the Department herein created, without changing the personnel, powers, jurisdiction and functions, duties and rights of said commission, other than is herein expressly provided. To require of the Commissioner of Insurance and of the two commissioners an oath of office and a bond for the faithful

discharge of their duties. The Department hereby created shall be known as the State Insurance Commission, and shall be composed of three members. The Commissioner of Insurance herein provided for shall be the Chairman and the presiding officer of said commission. Each of the two other members of said commission shall be designated and known as commissioners; and giving to the commission all powers to name and appoint all necessary actuaries, stenographers, clerks and other employes, and to discharge same when necessary, requisite to the efficient carrying out of the provisions of this Act. Providing that the salaries of the commission and of all employes in said Department, and all the expenses of same, shall be paid out of the general revenues of this State, as is now provided by law. Providing that the members of the commission and the employes of said department shall be placed and held under a rule of civil service as far as possible. Providing that no commissioner or employe shall be interested in any insurance company except as an insured. Providing that if any section of this Act is declared unconstitutional, it shall not invalidate the remainder thereof, declaring the purposes of this Act, and declaring an emergency.

Section 1. There is hereby created a separate department of the State Government to be known as the Department of Insurance and to be composed of the State Insurance Commission as now constituted by law, with the Commissioner of Insurance and Chairman of such Commission. And there is hereby created the office of Commissioner of Insurance to be Chairman of said Commission. Said commission when so created shall have the power, authority, jurisdiction, functions, duties and privileges herein provided.

Sec. 2. The Governor shall, within fifteen days after this Act takes effect and thereafter, appoint by and with the advice and consent of the Senate, a commissioner of insurance who shall be a citizen of this State and fully qualified to discharge the duties of such office. Said Commissioner of Insurance shall hold his office for a term of two years and un-

til the appointment and qualification of his successor.

Sec. 3. Said Insurance Commission shall be vested with every jurisdiction of and over all matters, things, powers and functions of the Department of Insurance and Banking except such as may have been divested therefrom and vested in the Department of Banking by law, and which shall have jurisdiction and control over and of all the powers, things, matters and functions now vested in the State Insurance Commission. The present two Commissioners of the State Insurance Commission shall continue to hold their respective positions as such until their successors are appointed and qualified as provided by law. The Commissioner of Insurance shall receive a salary of \$5000 a year, and each of the other commissioners shall receive a salary of \$4,000 a year, which salaries shall be payable monthly in equal installments; and the salaries fixed shall be the maximum to be received by either of said officers for any and all of the services of any character and kind rendered by virtue of the office which they hold. Each of said commissioners shall be a citizen of the State of Texas and fully qualified to discharge the duties to which he was appointed.

Sec. 4. The Governor may fill any vacancy occurring in the office of the Commissioner of Insurance or in the Commission of Insurance, and report the name of the person so appointed to the Senate, if in session, or at the next succeeding session of the Legislature. Should the Senate fail to confirm the appointment made by the Governor within ten days after being advised thereof, then such office shall be deemed vacant and a new appointment shall be made until the office is filled.

Sec. 5. Within fifteen days after notice of his appointment, and before entering upon the duties of his office, each Commissioner and the Insurance Commissioner shall take the oath of office prescribed by the Constitution, and shall give a bond to the State of Texas in the sum of \$5,000, executed by some surety company authorized to do business in Texas, to be approved by the Governor and conditioned for the faithful discharge of the duties of his office, which oath

and bond shall be filed in the office of the Secretary of State.

Sec. 6. The purpose of this Act is to consolidate the State Insurance Commission with the department hereby created and which has been taken from the Department of Insurance and Banking, and to separate the Department of Insurance from the Department of Banking; and it is not designed to change the personnel, powers, jurisdiction, functions, duties and rights of said Commission other than as herein expressly provided.

Sec. 7. The Commission shall have the power, and it shall be its duty to appoint the necessary actuaries, stenographers, clerks and other employees and to discharge same when necessary, requisite to the efficient carrying out of the provisions of this Act; and the Legislature shall fix and provide for the payment of the salaries of all such employees; to the end that efficient and faithful services may be procured, the Legislature declares that members of said Commission and the employees thereof are hereby placed as near as possible under a rule of civil service.

Sec. 8. The cost of the entire administration of said department, including all salaries and other expenses shall be paid out of the general revenues of this State, as now provided by law.

Sec. 9. All actuaries and examiners shall be expert and efficient and qualified to fill the positions to which they are appointed. No Commissioner or any employe of said department shall be interested in any way in any insurance company, association, partnership, or individually engaged in the insurance business, other than as an insured.

Sec. 10. The Commission shall have a seal of office, the design of which shall consist of a star with letters composing the word "Texas" between the points thereof. Said seal to be not less than 1½, nor more than two inches in diameter; and on the margin shall have "Department of Insurance." Such seal thus formed and impressed shall be the seal of the Department of Insurance.

Sec. 11. If any section or provision of this Act shall be unconstitutional it shall not render invalid any other provision or part of said Act.

Sec. 12. This bill shall not become effective until September 1, 1923, but shall come in force and be effective on and after said date.

Sec. 13. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

BOWERS.  
FAIRCHILD.  
HOLBROOK.  
DUDLEY.  
McMILLIN.

On the part of the Senate.

MELSON.  
BAKER of Milam.  
SHIRES.

On the part of the House.

On motion of Senator Fairchild, the report was adopted.

#### **H. B. No. 134—Free Conference Committee Appointed.**

The Chair announced the appointment of the following Free Conference Committee on H. B. No. 134: Senators Cousins, Darwin, Davis, Stuart and Pollard.

#### **Bills Ordered Printed in the Journal.**

On motion of Senator Wood, H. B. No. 151 and S. B. No. 359 were ordered printed in the Journal.

#### **Bills Read and Referred.**

The Chair, Lieutenant Governor Davidson, had referred, after their captions had been read, the following House bills:

H. B. No. 410, referred to Committee on Civil Jurisprudence.

H. B. No. 239, referred to Committee on Educational Affairs.

H. B. No. 617, referred to Committee on State Affairs.

H. B. No. 666, referred to Committee on Educational Affairs.

H. B. No. 218, referred to Committee on Civil Jurisprudence.

H. B. No. 560, referred to Committee on Educational Affairs.

H. B. No. 561, referred to Committee on Educational Affairs.

H. B. No. 559, referred to Committee on Educational Affairs.

H. B. No. 557, referred to Committee on Towns and City Corporations.

H. B. No. 553, referred to Committee on Judicial Districts.

H. B. No. 549, referred to Committee on Educational Affairs.

H. B. No. 546, referred to Committee on Educational Affairs.

H. B. No. 540, referred to Committee on Judicial Districts.

H. B. No. 539, referred to Committee on Civil Jurisprudence.

H. B. No. 510, referred to Committee on Educational Affairs.

H. B. No. 502, referred to Committee on County and County Boundaries.

H. B. No. 495, referred to Committee on Criminal Jurisprudence.

H. B. No. 491, referred to Committee on Educational Affairs.

H. B. No. 564, referred to Committee on Judicial Districts.

H. B. No. 563, referred to Committee on Educational Affairs.

H. B. No. 449, referred to Committee on Educational Affairs.

H. B. No. 539, referred to Committee on Civil Jurisprudence.

H. B. No. 600, referred to Committee on Civil Jurisprudence.

H. B. No. 339, referred to Committee on Civil Jurisprudence.

H. B. No. 576, referred to Committee on Educational Affairs.

H. B. No. 582, referred to Committee on Educational Affairs.

H. B. No. 596, referred to Committee on Educational Affairs.

H. B. No. 589, referred to Committee on Educational Affairs.

H. B. No. 585, referred to Committee on Educational Affairs.

H. B. No. 620, referred to Committee on Educational Affairs.

H. B. No. 610, referred to Committee on Educational Affairs.

H. B. No. 609, referred to Committee on Educational Affairs.

H. B. No. 608, referred to Committee on Educational Affairs.

H. B. No. 607, referred to Committee on Roads, Bridges, Ferries.

H. B. No. 578, referred to Committee on Educational Affairs.

H. B. No. 565, referred to Committee on Educational Affairs.

H. B. No. 570, referred to Committee on Educational Affairs.

H. B. No. 622, referred to Committee on Educational Affairs.

#### **Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has

granted the request of the Senate and returns

H. B. No. 33. A bill to be entitled "An Act requiring the labeling of all cloth, fabric, garments or articles of apparel sold or offered for sale in this State which contain wool or purport to contain wool, and samples containing or purporting to contain wool displayed in this State in soliciting orders, and providing for punishment for violation of this Act," for correction.

House refuses to concur in Senate amendments to H. B. No. 294 and requests the appointment of a Free Conference Committee to adjust the differences. The following committee is appointed on part of the House: Storey, Bryant, Young, Satterwhite and Mathes.

H. B. No. 622, A bill to be entitled "An Act to create the Spicewood Independent School District in Burnet County, Texas, including the present Spicewood District No. 21, of said county; providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Spicewood District No. 21 shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

H. B. No. 218. A bill to be entitled "An Act to define what shall constitute a unit of weight or measure of all commodities purchased or sold by length, weight or measure; providing for the sale of commodities by State standards of weight or measure; providing for the sale of hay by weight; establishing a standard for bread sold in loaves; providing penalties for the enforcement of this law; repealing certain statutes, and declaring an emergency."

H. B. No. 339, A bill to be entitled "An Act making all fees of office other than those provided in Title 58 of the Complete Texas Statutes of 1920, known as the "Fee bill," ex-officio fees of office, and provided said ex-officio fee shall be in addition to the maximum salary for office holders now provided in said title and repealing all laws in conflict

herewith, and declaring an emergency."

H. B. No. 449, A bill to be entitled "An Act to amend an Act of the Thirty-first Legislature, First Called Session, Chapter 5, Special Laws, entitled 'An Act creating an independent school district to be known as the Goliad Independent School District, including within its limits the unincorporated town of Goliad in Goliad County, and to provide for a board of trustees and other officers of such district; to authorize the board of trustees to levy, assess and collect special taxes, and to issue and dispose of bonds of such district for the purpose of purchasing school sites, and erecting, repairing, furnishing, and equipping school buildings within the same; and to pay current expenses in the maintenance and support of the public schools therein, and to further prescribe the duties and authority of said board of trustees, and declaring an emergency,' and by this amended Act to provide for the assumption by the Goliad Independent School District, as hereby created, of all outstanding indebtedness now existing against same, and to provide for the payment of the outstanding indebtedness against Common School District No. 2, Goliad County, and declaring an emergency; said act to be so amended as to hereafter read as follows."

H. B. No. 491, A bill to be entitled "An Act creating and establishing the Spanish Fort Independent School District in Montague County, Texas; defining its boundaries; providing for a board of trustees in said district; continuing in office the board of trustees as heretofore elected in said district until the expiration of their respective terms of office; vesting title in said board of trustees to all school property in said district; conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing for a seal, and for the selection of a secretary, treasurer and assessor and collector of taxes; for a board of equalization, and prescribing its duties, etc., and declaring an emergency."

H. B. No. 560, A bill to be entitled "An Act creating and incorporating

Midway Independent School District in Lynn County, Texas, out of territory now composing Common School District No. 9 of Lynn County as heretofore created by the County Board of School Trustees of said county; defining boundary thereof; providing for a board of trustees, their election, terms of office, qualification, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Midway Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 9 of Lynn County; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provision thereof, and declaring an emergency."

H. B. No. 651, A bill to be entitled "An Act creating and incorporating Joe Stokes Independent School District in Lynn County, Texas, out of territory now comprising Common School District No. 17 of Lynn County as heretofore created by the County Board of School Trustees of said county; defining boundary thereof; providing for a board of trustees, their election, terms of office, qualification, powers, duties, and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Joe Stokes Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of

said Common School District No. 17 of Lynn County; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provision thereof, and declaring an emergency."

H. B. No. 585, A bill to be entitled "An Act to amend Section 1, Chapter 6 of the Acts of the Regular session of the Thirty-fourth Legislature so as to change the time and terms of holding the district court in the Seventy-eighth Judicial District of Texas, composed of Wichita County; to validate all process heretofore issued, bonds and recognizances heretofore taken in the courts of said district, and all judgments therein rendered or to be rendered; repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 589, A bill to be entitled "An Act creating the Santa Margarita Independent School District in Wilbacy County, Texas, and defining its boundaries; providing for the election of a board of trustees therefor; providing for the election of a secretary treasurer, assessor and collector of taxes and all other necessary officers and committees, and prescribing their qualifications; investing said district with all the rights, powers, privileges and duties of a town or village incorporated under the General Laws of the State for free school purposes only, and declaring an emergency."

H. B. No. 596, A bill to be entitled "An Act validating a certain issue of schoolhouse bonds aggregating \$5000 bearing interest at 6 per cent per annum, voted by Common School District No. 7 of Lynn County on July 23, 1921; validating the election voting such bonds, all orders of the Commissioners' Court of Lynn County in respect to such election and

such bonds, and in addition all orders levying taxes to support the same, and declaring an emergency."

H. B. No. 600, A bill to be entitled "An Act to amend Chapter 18, of the Local and Special Laws, passed at the Regular Session of the Thirtieth Legislature, and the same being an Act to create the Tullia Independent School District in Swisher County, Texas, adding thereto Section 6a, validating bond elections heretofore held and bonds issued thereunder, and declaring an emergency."

H. B. No. 607, A bill to be entitled "An Act to repeal Chapter 74, Special Laws of the Thirty-second Legislature, as amended by Chapter 96, Special Laws of the Thirty-third Legislature, and as further amended by Chapter 89, Special Laws of the Thirty-fourth Legislature, relating to the road system of Leon County, and declaring an emergency," with engrossed rider.

H. B. No. 608, A bill to be entitled "An Act to create the Carta Valley Independent School District in Edwards and Val Verde Counties, Texas; providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

H. B. No. 495, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26 and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, and Chapter 10 of the Third Called Session of the Thirty-fifth Legislature, and Chapter 13 of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 35 of the Acts of the Regular Session of the Thirty-sixth Legislature, and Chapter 105 of the Acts of the Regular Session of the Thirty-sixth Legislature, and Chapter 50 of the General Laws of the Third Called Session of the Thirty-sixth Legisla-

ture, and Chapter 32 of the General Laws of the Regular Session of the Thirty-seventh Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named, so as to include Leon County."

H. B. No. 502, A bill to be entitled "An Act to authorize the commissioners' courts of Hudspeth and Culberson counties, Texas, to make contracts not in excess of seventy-five dollars per month for services to be performed by the district attorney of the Thirty-fourth Judicial District of Texas."

H. B. No. 510, A bill to be entitled "An Act to increase and fix the salary of the superintendent of public instruction of Dallas County, Texas; providing for office expenses; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 539, A bill to be entitled "An Act to increase the civil jurisdiction of the county court of Hockley County, and the unorganized county of Cochran, and declaring an emergency."

H. B. No. 540, A bill to be entitled "An Act to fix the salaries of the judge of the County Court of Dallas County at Law No. 1, and of the judge of the County Court of Dallas County at Law No. 1, and prescribe the method of payment."

H. B. No. 546, A bill to be entitled "An Act to validate Simmons Common School District No. 7 in Grayson County, Texas, as re-defined and re-established by order of the county school trustees of Grayson County, Texas, on February 12, 1923, and Common County Line School District No. 8 as re-defined and re-established by an order of the county school trustees of Grayson County, Texas, on February 12, 1923, and by an order of the county school trustees of Collin County, Texas, on February 13, 1923."

H. B. No. 549, A bill to be entitled "An Act creating the Thrall Independent School District in the county of Williamson, State of Texas; defining its boundaries; providing for a board of trustees to control and manage the schools of the said district; divesting Common School District No. 21 of Williamson County, Texas, of the control of the free schools of the

said district and of the title, management and control of all property held, owned and controlled for public free school purposes therein, and vesting the same in the said Thrall Independent School District and in the board of trustees thereof; providing for the assessing and collecting of taxes; providing for the issuing of bonds; providing for the election of a treasurer for the said school district; providing for the election of an assessor and collector for said school district; providing for the erection of buildings, and equipping same for school purposes, and assuming the payment of the outstanding bonded indebtedness of Common School District No. 21 of Williamson County, Texas, and creating an emergency."

H. B. No. 563, A bill to be entitled "An Act to amend Section 1 of an Act entitled 'An Act creating the Pflugerville Independent School District in Travis and Williamson counties, Texas: consolidating into said independent school district the territory included in the present Pflugerville Independent School District, Common School District No. 56, Common School District No. 12, Williamson and Travis County Line School District No. 14, and Common School District No. 15; defining its boundaries; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the General Laws; providing for a board of trustees therefor; making provision for taxation for school purposes in said district, and declaring an emergency, being House Bill No. 606, passed by the Regular Session of the Thirty-sixth Legislature, and amended to House Bill No. 51, passed by the Second Called Session of the Thirty-sixth Legislature,' changing and correcting the boundary lines of said school district and validating and confirming the election of school trustees for said district, and declaring an emergency,' providing for the election of trustees in said school district and validating and confirming the election of school trustees for said school district."

H. B. No. 564, A bill to be entitled "An Act amending Sections 6 and 6a of Chapter 8, being House Bill No. 45, passed at the First Called Session of the Thirty-seventh Legislature of the State of Texas, and entitled 'An Act to amend Chapter 46 of the Gen-

eral Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature, being an Act to reorganize the Twenty-eighth Judicial District of the State of Texas, etc.,' and providing for the changing and fixing the time of holding the courts in the Twenty-eighth Judicial District of Texas, and validating and continuing all processes and writs, bonds, recognizances, and jurors heretofore selected, etc., returnable to the terms of court as they now exist, and continuing in session any court in said district now in session until adjourned by the judge thereof, and declaring an emergency."

H. B. No. 570, A bill to be entitled "An Act changing and enlarging the boundaries of the Elmo Independent School District in Kaufman County, and providing for an election to adjust the territory thus added, to taxes which may be now levied upon the property of said Elmo Independent School District and for an assumption by said Elmo Independent School District of the pro rata of taxes to which the territory thus added to said Elmo Independent School District by this Act may be subject by reason of any outstanding bond issue or bond issues previously voted by any school district or school districts of which such added territory may have heretofore formed part; defining the powers of said Elmo Independent School District, and declaring an emergency."

H. B. No. 576, A bill to be entitled "An Act amending Chapter 52 of the Special and Local Laws passed by the Thirty-seventh Legislature at its First Called Session by adding thereto Section 3a, providing for the assumption and refunding by the Cooper Independent School District of all or any part of the indebtedness bonded or otherwise, of the city of Cooper, Texas, created for school purposes, and declaring an emergency."

H. B. No. 609, A bill to be entitled "An Act to amend Section 2, Chapter 22, Acts of the Thirtieth Legislature, Regular Session, re-defining the boundaries of the San Saba Independent School District, and declaring an emergency."

H. B. No. 610, A bill to be entitled "An Act to amend Section 1 of Chapter 3, Local and Special Laws, Third Called Session, Thirty-sixth Legislature, amending and revising the

metes and bounds of the Moran Independent School District in Shackelford and Callahan counties, Texas, and declaring an emergency."

H. B. No. 620, A bill to be entitled "An Act creating Pontotoc Common County Line School District No. 31 of Mason, San Saba and Llano counties, and placing the same under the management and control of Llano County; defining the powers of said district; providing for election of the first board of trustees of said district; providing for an election to determine whether or not a special school for maintenance purposes shall be levied upon the property contained in said district, and to determine whether the several outstanding obligations which may exist against the several territories and the portion of territory of other districts embraced in this district shall be assumed in whole the property of this district to provide for such indebtedness and pro rata thereof; making alternative provision for the protection of all such indebtedness; abolishing existing school districts wholly included within the boundaries, and declaring an emergency."

H. B. No. 551, A bill to be entitled "An Act amending Sec. 2, of Chapter 72, of the Local and Special Laws of the State of Texas, passed by the Thirty-eighth Legislature at its Regular Session, said Act being an Act creating the Tynan Independent School District in Bee County, San Patricio and Live Oak Counties, Texas; said Act being amended by changing boundaries of said district set out in Sec. 2 thereof; and declaring an emergency," with engrossed rider.

H. B. No. 553, A bill to be entitled "An Act to amend Sec. 52 of Article 30, Title 5 of the Revised Statutes, changing the time of holding the terms of the district court of the Fifty-second Judicial District of Texas, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 557, A bill to be entitled "An Act authorizing and empowering the city of Perryton, in Ochiltree County, Texas, to close certain streets; to narrow and reduce the width of certain other streets; to, by ordinance, make provision for settlement and adjustment of property rights with owners of property adjacent to and affected by said

changes; and validating all ordinances by said city heretofore passed in connection therewith."

H. B. No. 559, A bill to be entitled "An Act to create the Austwell Independent School District in Refugio County, Texas, including the present Common School District No. 9 of said county, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Common School District No. 9 shall continue to act as such until their successors are elected as provided herein; providing for the assumption of any outstanding indebtedness created by the Common School District No. 9, and declaring an emergency."

H. B. No. 578, A bill to be entitled "An Act to amend an Act passed by the Regular Session of the Thirtieth Legislature known as H. B. No. 470, and approved April 4, 1907, entitled 'An Act creating an Independent School District to be known as the Coleman Independent School District, including within its limits the municipal corporation of the town of Coleman, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authorities of said board,' so as to hereafter read as follows, and extending and defining its boundaries and including within its limits the municipal corporation of the city of Coleman, and to provide for the creating of a board of trustees to levy, assess and collect special taxes and provide authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor and to pay all current expenses for the maintenance and support of said school, declaring valid all issues of bonds heretofore made, declaring

valid maintenance tax heretofore voted and repealing all laws in conflict herewith insofar as they conflict with this Act, and declaring an emergency."

H. B. No. 582, A bill to be entitled "An Act creating the Fairview Independent School District in Wichita County, Texas; defining its boundaries; providing for a board of trustees for said independent school district; describing their qualifications and terms of office; defining the rights, powers and privileges of said board; and conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State of Texas upon independent school districts and the board of trustees thereof; providing for the creation of a board of trustees; providing for the raising of revenues; declaring valid a maintenance tax heretofore voted; and providing for the assessment and collection of said tax and for a board of equalization of said school district; and providing for the election of trustees thereof; providing for the transportation of pupils under certain conditions, and repealing all laws insofar as they may be in conflict herewith, and declaring an emergency."

S. C. R. No. 18, relating to the death of Judge James I. Perkins.

S. C. R. No. 20, relating to a plan of eliminating illiteracy in Texas.

House has refused to concur in Senate amendments to H. B. No. 134, and requests the appointment of a Free Conference Committee to adjust the differences. The following committee is appointed on part of the House: Coffee, Burmeister, Rountree, Harington, and Stewart of Reeves.

S. B. No. 377, A bill to be entitled "An Act designating the lands acquired by the State of Texas under the provisions of Chapter 3, General Laws, passed at the First Called Session of the Thirty-fourth Legislature, as 'The Washington State Park'; providing for the creation of a commission to be known as 'The Washington State Park Commission'; charging said commission and the State Board of Control with the joint duty of preserving, protecting, improving and beautifying said park, and declaring an emergency."

H. B. No. 410, A bill to be entitled "An Act requiring the erection of ade-

quate fire escapes on certain classes of three or more story buildings now or hereafter constructed in this State, and making it the duty of the owners of such buildings and the duty of all boards, commissions, boards of trustees of public schools, county commissioners' courts, city councils, boards of city commissioners, and all officials having charge or supervision of public buildings within the provisions of this Act and owned by this State or by any county, city, town or school district to provide such buildings with adequate fire escapes; defining the terms 'owner,' 'story' and 'adequate fire escape,' and fixing minimum specifications for adequate fire escapes and requiring the maintenance of exit and guide lights and signs to fire escapes and making it an offense to obstruct the free access to any fire escape; fixing the time within which such buildings shall be equipped with fire escapes and exempting from this Act certain buildings already equipped with fire escapes meeting certain requirements; fixing penalties for violation of any provision of this Act by owners of buildings, and making it an offense for any person as agent to represent a non-resident owner of any building within the provisions of this Act, who fails to comply with this Act and fixing penalty therefor; providing that the State Fire Marshall shall have general supervision of the enforcement of this Act and making it his duty and the duty of certain other officials to give notice of the provisions of this Act and file complaints for violation of its provisions, and authorizing private persons to file such complaints, and making it the duty of county attorneys under certain conditions, to prosecute such complaints; providing that the Attorney General and county and district attorneys may proceed by suit or injunction to enforce the provisions of this Act, and permitting such suits to be prosecuted on the relation of said officials or of the State Fire Marshall or any inspector of the State Fire Commission, or the chief of any fire department or the fire marshall of any city or town, or of any private person, and authorizing district courts and judges thereof to issue mandatory injunctions and other writs to enforce the provisions of this Act; providing that if any section, paragraph or provision of this Act shall be held unconstitutional, that such holding shall not affect the re-

remaining sections, paragraphs or provisions hereof; repealing Chapter 70 of the Acts of the Regular Session of the Thirtieth Legislature, passed and approved April 6, 1907, and Chapter 12, of the Acts of the Regular Session of the Thirty-fourth Legislature, passed and approved February 16, 1915, and Chapter 140 of the Acts of the Regular Session of the Thirty-fifth Legislature, passed and approved March 30, 1917, all relating to fire escapes, and also repealing Articles 861 to 867, inclusive, of the Penal Code of the Revised Criminal Statutes of 1911, and all laws and parts of laws in conflict with this Act, and declaring an emergency."

H. B. No. 239, A bill to be entitled "An Act relating to and providing for vocational education; accepting and validating previous acceptances of the benefits of an Act passed by the Congress of the United States, approved on February 23, 1917, for the promotion of vocational education; designating the State Treasurer of the State of Texas as custodian for the reception and disbursement of all funds allotted to this State from appropriations made by the said act of Congress; designating and authorizing the State Board of Vocational Education as the State Board of Vocational Education to act in co-operation with the Federal Board of Vocational Education in the administration of the provisions of said Act; making an appropriation of \$223,038.42, or so much thereof as may be necessary, for the fiscal year 1923-24, and an appropriation of \$267,723.90, or so much thereof as may be necessary, for the fiscal year 1924-25; naming conditions under which aid may be extended by the State Board of Vocational Education, and declaring an emergency."

H. B. No. 617, A bill to be entitled "An Act to amend Chapter 35, Acts of the Second Called Session of the Thirty-seventh Legislature, being an Act to amend House Bill No. 23, Chapter 7, page 16, Acts of the Fourth Called Session of the Thirty-sixth Legislature, being an Act relating to the protection of wild birds and wild fowl in the counties of Dimmit, Uvalde, Medina, Zavalla, Gillespie, Blanco, Llano, Kimble, Kerr, Real, Mason, Edwards, Menard, Sutton, Crockett, Bandera, Comal, Hays, Frio, Maverick, Kinney, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Schleicher, Tom Green, Sterling and Irion, and changing the time of open season on such wild birds and

fowl and providing penalties for the unlawful taking and killing of said wild birds and fowl, and exempting said counties above mentioned from Section 5 of Chapter 157 of the General Laws, Thirty-sixth Legislature, passed at its Regular Session, same being House Bill No. 457, Chapter 157 thereof, and declaring an emergency, so as to include the county of Gillespie and exclude the county of Kendall therefrom and to place Gillespie County under the provisions of House Bill No. 131, Chapter 352, Acts of Second Called Session of the Thirty-seventh Legislature, and to place Kendall County under the General Law."

H. B. No. 666, A bill to be entitled "An Act to amend Chapter 18, Special Laws, Thirty-seventh Legislature, First Called Session, incorporating the Fruitvale Independent School District in Van Zandt County, Texas; providing for the maintenance of elementary schools in said district, and declaring an emergency."

Respectfully submitted,

C. L. PHINNEY,  
Chief Clerk House of Representatives.

#### **H. B. No. 294—Free Conference Committee Appointed.**

The Chair announced the appointment of the following free conference committee on House Bill No. 294: Senators Strong and Davis.

#### **H. B. No. 168—Resignation of Free Conference Committee.**

Senators Bailey and Strong tendered their resignations as members of the Free Conference Committee on part of the Senate to consider the differences between the House and Senate on House Bill No. 168.

The resignations were accepted. Senators Dudley and Wirtz were appointed by the Lieutenant Governor to serve in the place of Senators Bailey and Strong.

#### **H. B. No. 361—Ordered Printed in the Journal.**

Senator Floyd moved that House Bill No. 361 be not printed, but that it be printed in the Journal, and the motion prevailed.

**Recess.**

Senator Pollard moved that the Senate stand adjourned until 10 a. m. tomorrow, and the motion was lost.

Senator Pollard moved that the Senate recess until 8 o'clock tonight, and the motion was lost.

Senator Floyd moved that the Senate stand adjourned until 10 o'clock a. m. tomorrow, and the motion was lost.

On motion of Senator Wood, the Senate, at 6:05 p. m., recessed until 7:30 o'clock p. m. tonight.

**Night Session.**

The Senate met at 7:30 p. m. and was called to order by President Pro Tem R. M. Dudley.

**S. B. No. 406 on Second Reading.**

On motion of Senator Darwin, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 406, A bill to be entitled "An Act to amend Chapter 141, Acts of the Regular Session of the Thirty-fifth Legislature, so as to prohibit commissioners' courts and supervisors of levee improvement districts from letting any contract calling for or requiring the expenditure of two thousand dollars (\$2,000) or more without first submitting same to competitive bids and publishing notice of the proposed letting of such contract; providing that such requirement may be waived in case of public calamity; requiring all contracts for more than five hundred dollars (\$500.00) and less than two thousand dollars (\$2,000) be let on competitive basis; providing that contracts made in violation of this Act shall not be enforced and may be enjoined; and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, the committee report that the bill be not printed was adopted, and the bill was passed to engrossment.

**S. B. No. 275 on Second Reading.**

On motion of Senator Baugh, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 275, A bill to be entitled "An Act to permit boards of trustees of religious, charitable, educational, or eleemosynary institutions to be affiliated with, elected, and controlled by a convention, conference or association, incorporated or unincorporated, organized under the laws of this or another State whose membership is composed of representatives, delegates, or messengers from any church or other religious association; also to permit such institution to acquire, own, hold, mortgage, and dispose of property, real and personal, within this State, in furtherance of the purposes of the organization."

The Chair laid the bill before the Senate, it was read second time, and was passed to engrossment.

**S. B. No. 390 on Second Reading.**

On motion of Senator Rice, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 390, A bill to be entitled "An Act amending Sec. 2 of S. B. No. 25, Chapter 1 of the Special Laws of the State of Texas, passed at the First Called Session of the Thirty-seventh Legislature in 1921, and providing for that portion of the land hereby segregated from the Bowie Independent School District to bear its proportionate part of any bonded indebtedness now chargeable against that portion of the district hereby segregated and adding Sec. 2a and Section 2b."

The Chair laid the bill before the Senate, it was read second time, the committee report that the bill be not printed, was adopted, and the bill was passed to engrossment.

**S. B. 288 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 288, A bill to be entitled "An Act amending Article 303 of the Penal Code of the State of Texas so

as to permit the sale of gasoline and lubricants on Sunday, and declaring an emergency."

The bill was read third time and passed.

#### **S. B. No. 246 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage.

S. B. No. 246, A bill to be entitled "An Act to amend Chapter 36, Section 1, Acts of the Thirty-sixth Legislature, providing for emergency transfer of school children, and declaring an emergency."

The bill was read third time and passed.

#### **S. B. No. 249 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage

S. B. No. 249, A bill to be entitled "An Act to provide for the issuance of serial coupon bonds for the purpose of constructing teachers' homes and purchasing land in connection therewith, and declaring an emergency."

The bill was read third time and passed.

#### **S. B. No. 251 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage

S. B. No. 261, A bill to be entitled "An Act to amend Article 2904, Revised Statutes of 1911, forbidding trustees and teachers to be interested in the sale of textbooks and declaring an emergency."

The bill was read third time and passed.

#### **S. B. No. 261 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage.

S. B. No. 261, A bill to be entitled "An Act to amend Chapter 6, Title 32, of the Revised Statutes of Texas, 1911, by adding thereto Article 1609a, providing that when there is a defect in substance, form or parties in any petition for a writ of error pending before any of the Appellate Courts of

this State, the writ of error shall not be dismissed because of such defects until after the plaintiff in error is given an opportunity to cure the same, and the Appellate Court shall grant the plaintiff in error not less than thirty days additional time after notice of such defects, in which to correct the same amendment or as the court may direct, and making the amendment apply to all writs of error pending before any of the Appellate Courts at the time of the passage of this Act, repealing all laws in conflict herewith, and declaring an emergency."

The bill was read third time and passed.

#### **S. B. No. 273 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 273, A bill to be entitled "An Act to amend Articles 3635, 3636, 3637 and 3639, Chapter 32, Title 52, of the Revised Civil Statutes of Texas, in reference to appeals from county courts to district courts in estate matters."

The bill was read third time and passed.

#### **S. B. No. 247 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 247, A bill to be entitled "An Act to amend Article 2760, Revised Statutes, 1911, authorizing the transfer of school children, and declaring an emergency."

The bill was read third time and passed.

#### **S. B. No. 237 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 237, A bill to be entitled "An Act with reference to the public roads in Fayette, Colorado, Lavaca and Austin Counties; exempting all firemen employed by any municipality or other governmental agency in such counties from road or street duty or the payment of any money in lieu thereof; and declaring an emergency."

The bill was read third time and passed.

**S. B. No. 128 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 128, A bill to be entitled "An Act to require all locomotives, engines and boilers operated in or near any forest or other land adjacent to forest land, and not equipped to use oil for fuel, to be provided with an efficient device to prevent the escape of sparks and fire; providing such fire prevention devices must be maintained in repair; providing a penalty for non-compliance; providing that no person shall wilfully or negligently cause or permit forest or other fires that may damage forest growth, and providing a penalty."

The bill was read third time and passed.

**S. B. No. 317 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 317, A bill to be entitled "An Act amending Article 1017, Chapter 11, Title 22, of the Revised Civil Statutes of 1911, so as to provide that the provisions of the chapter be cumulative, and declaring an emergency."

The bill was read third time and passed.

**S. B. No. 191 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 191, A bill to be entitled "An Act authorizing the incorporation of mutual hail insurance companies; regulating the business of such companies; providing for the investment of the reserve funds of such companies; requiring annual reports; fixing the fees to be paid by such companies and declaring an emergency."

The bill was read third time.

Senator Stuart offered the following amendments to the bill:

Amend S. B. No. 191 as follows:

Strike out all after the enacting clause and insert the following:

Section 1. That Sections 1 to 10 inclusive of Chapter 22, General Laws passed by the Regular Session of the Thirty-third Legislature, be amended so as to read respectively as follows:

"Section 1. Private Corporations may be created without a capital stock within this State by the voluntary association of seven or more persons resident citizens of this State who collectively own not less than one thousand acres of growing crops of all kinds for the purpose of mutual insurance against loss or damage by hail, wind storms, excessive rains, floods, drouth, boll worms, boll weevils, insects, winter kill, freeze or other menaces of substantial existence, providing that every company incorporated under the provisions of this Act, shall embody the word "mutual" in its title.

"Sec. 2. When any number of persons not less than seven desire to organize a mutual crop investment insurance company as herein provided, they shall make application to the Commissioner of Insurance and Banking for permission to solicit business under the plan, stating the principal place of business and the name of the company; that said company is to be organized for the insurance of growing crops against loss or damage by hail, wind storms, sand storms, excessive rains, floods, drouth, boll worms, boll weevils, insects, winter kill, freeze or other menaces of substantial existence, on the mutual plan in accordance with the terms of the application, but not to issue policies of insurance. Said mutual company shall take from each application, an obligation specifying the property to be insured and the amount to be paid as the first assessment evidence by a promissory note for such sum and payable on or before the 31st day of the succeeding December, and upon the State of Texas granting to said mutual insurance company a charter authorizing it to do business in this State.

"Sec. 3. When applications have been secured for insurance with such company from at least two hundred applicants residing in not less than twenty-five different counties of this State, the first assessment or premium on which applications shall amount to at least ten thousand dollars, for which notes of solvent parties founded on actual bona fide applications for insurance payable upon the granting the charter by the State to said mutual crop investment insurance companies, which premium notes shall be a lien on the crop in-

sured or otherwise secured, and which notes and applications shall be submitted to the Commissioner of Insurance and Banking, and when he finds the applications and notes to be genuine and secured by liens on growing crops or otherwise secured, he shall, upon the payment of a fee of twenty-five dollars, certify the fact that he has examined and approved said applications and notes to the Secretary of State, who shall, upon an application of the said persons, to which applications shall be attached the said certificate of the Commissioner of Insurance and Banking, permit said company to incorporate and issue to it a charter.

A certified copy of the charter shall thereupon be filed with the Commissioner of Insurance and Banking, who, upon the payment of the fees required by law, shall issue to said mutual crop investment insurance company a license to solicit and transact business and issue policies against loss of damage by hail, wind storms, sand storms, excessive rains, floods, drouth, boll worm, boll weevil, insects, winter kill, freeze or other menace of substantial existence. Every person making application for insurance in such company prior to the granting of such charter to such company and signing a non-negotiable promissory note shall be liable upon the note upon the granting of a charter by the State, and if payment is refused, suit may be brought on same in any court of this State having jurisdiction of the amount at the principal office of said insurance company.

"Sec. 4. The application for charter shall state the name of the corporation, the purpose for which it is formed, the place of its principal office, the term for which it is to exist, the number, name and residence of its directors for the first year, and shall be subscribed and acknowledged by the seven or more of the applicants.

"Sec. 5. Upon the issuance of a charter by the Secretary of State, to such mutual crop investment insurance company, the persons making application for such charter shall constitute a board of directors for the first year, which board of directors shall consist of not less than seven persons, all of whom shall be residents of this State.

The officers of such company shall be such as may be provided by the by-laws, and the treasurer or the secretary and treasurer, if such officer should be combined in one, shall execute a bond in the sum of ten thousand dollars payable to the Commissioner of Insurance and Banking and his successors in office conditioned for the faithful performance of his duties and that he will account for all moneys, notes or other assets that may come into his hands, said bond shall be signed by two or more good and solvent sureties, or be executed by a guaranty company authorized to do business in this State, and shall be approved by the Commissioner of Insurance and Banking.

"Sec. 6. Mutual crop investment companies organized under the provisions of this Act may issue policies on growing crops of all kinds by loss or damage by hail, wind storms, sand storms, excessive rains, floods, drouth, boll worms, boll weevils, insects, winter kill, freeze or other menace of substantial existence. Any person desiring insurance in such company can make application on blanks furnished by the company and shall pay the full amount of the premium in cash or secured notes. Provided, that no contract shall be made providing for payment of any obligation by the insured or for suit on such obligation of the insured, except those given by the charter members referred to in Section 3 of this Act, in any county other than the county in which the insured has his domicile. In case the whole amount of the premium collected by said company for any one year shall be insufficient to pay all leases occurring during said year, after paying the necessary expenses for said year, the persons insured by said company shall receive their proportionate share of the sum realized from said premiums after deducting expense therefrom in full satisfaction of their losses and no member shall be liable to the company or to any other person for more than the premium, which shall be paid by him or secured by him in making his application for insurance.

"Sec. 7. All companies incorporated under this Act shall set aside 60% of all premiums collected as a policy holders fund for the payment

of losses which fund shall be used for no other purpose, and the remainder of the gross premiums collected shall be used, if needed, for paying expenses of said company, and if not needed for said purpose such remainder not so used shall be added to the policy holders fund at the end of the current year, and if, at the end of such current year the total of said policy holders fund has not been appropriated or necessary in the payment of losses to policy holders, then such amount of said fund so remaining may be invested in first mortgage notes on land in this State, said investment not exceeding 50% of the value of said land, or in the bonds of the State, provided said bonds have been approved by the Attorney General, with any bank approved by the Commissioner of Insurance and Banking as a reserve fund, which fund may be used for the payment of policy holders, if necessary, in case of excessive and unprecedented losses and such company may collect and receive the interest and dividends thereon to be used in defraying the expenses and paying the losses of said company.

"Sec. 8. The board of directors of such company shall have the authority to fix the rates to be charged for such insurance, and may fix at their discretion different rates for different sections of the State based upon the frequency of the losses sustained in such sections.

"Sec. 9. Every such corporation shall on or before January 1, or within 30 days thereafter, each year make and file with the Commissioner of Insurance and Banking, a report upon blank forms to be furnished by such commissioner, which report shall be verified by the oath of the secretary of such corporation and shall show the number of policies issued for the preceding year, the number and amount of the losses paid, the gross amount received from premiums, the amount of expenses paid, and the amount set aside or invested during the year as a reserve fund, if any, and the books, records and documents of such corporation shall be subject to the inspection and examination of the Attorney

General or the Commissioner of Insurance and Banking.

"Sec. 10. The following fees shall be paid by companies organized under this law.

In addition to the application fee, charter fee, to the Secretary of State when charter is issued, \$25.00, annual franchise tax of \$50.00; and to the Commissioner of Insurance and Banking for filing annual statement, \$5.00, certificate of authority to corporation, \$1.00, and no other fees shall be paid by said company.

Provided such mutual hail insurance companies organized and existing under the provisions of the Act of March 17, 1923, General Laws of the State of Texas, may at their discretion issue policies of insurance on one or more of the risks singly or collectively, provided said company shall first file an amendment to its charter with the Secretary of State and paying the fee therefor as provided by law.

Sec. 2. The fact that there is great destruction of growing crops in this State by hail, wind storms, sand storms, excessive rains, floods, drouth, boll worm, boll weevil, insects, winter kill, freeze or other menace of substantial existence and that there is no law under which mutual companies for the insurance against hail, wind storms, excessive rains, floods, drouth, boll worms, boll weevil, insects, winter kill, freeze or other menace of substantial existence may be organized, creates a public necessity and an emergency which requires the constitutional rule that bills be read on three several days be and the same is hereby suspended, and that this law shall take effect on and after its passage, and it is so enacted."

Amend S. B. No. 191 as follows:

Strike out all before the enacting clause and insert the following:

A bill to be entitled

"An Act to amend Sections 1 to 10, inclusive, of Chapter 22, General Laws passed by the Regular Session of the Thirty-third Legislature, relating to the incorporation of mutual hail insurance companies, regarding the business of said companies, providing for the investment of reserve fund, requiring annual reports and fixing fees to be paid by such companies and declaring an emergency, in arranging the scope of business by authorizing such mutual companies to insure against loss or damage to growing

crops, caused by hail, wind storms, sand storms, excessive rains, floods, drouth, boll worms, boll weevils, insects, winter kill, freeze or other menaces of substantial existence, providing a method for mutual hail insurance companies now existing to amend their charters, and declaring an emergency."

The amendments were adopted by unanimous consent.

The bill was finally passed.

#### **S. B. No. 268 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage.

S. B. No. 268, A bill to be entitled "An Act to amend Articles 6901a and 6901d, of Chapter 1, Title 119 of the Revised Civil Statutes of Texas of 1911, as enacted by Chapter 29 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and as amended by Chapter 98, General Laws, Regular Session, Thirty-sixth Legislature, and to amend Articles 6901b, 6901c, and 6901e, of said Chapter and Title of the Revised Civil Statutes, as enacted by Chapter 29 of the General Laws of the Fourth Called Session, Thirty-fifth Legislature, and adding thereto Articles 6901cc, 6901dd and 6901ff, all of which articles of the statutes relate to the compensation of county commissioners; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read third time.

Senator Wood offered the following amendments to the bill:

(1)

Amend Senate Bill No. 268 by striking out the caption and inserting in lieu thereof the following:

"An Act to amend Articles 6901a and 6901d, of Chapter 1, Title 119, of the Revised Statutes of Texas of 1911, as enacted by Chapter 29 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and as amended by Chapter 98, General Laws, Regular Session, Thirty-sixth Legislature, and to amend Articles 6901b, 6901c, and 6901e, of said Chapter and Title of the Revised Civil Statutes, as enacted by Chapter 29 of the General Laws of the Fourth Called Session, Thirty-fifth Legislature, said Article being added in Section 2 of said Chapter 29 and through error numbered 6901, and adding thereto Articles

6901cc and 6901dd, all of which articles of the statutes relate to the compensation of county commissioners; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

(2)

Amend said bill by striking out the figures "6901b" in line 1 of Section 1, and inserting in Section 1, at the close of Article 6901a, the following:

"That Article 6901b of said Chapter and Title of the Revised Civil Statutes as enacted by Chapter 29, General Laws Fourth Called Session, Thirty-fifth Legislature be amended so as to read as follows:"

(3)

Amend Section 3 of the bill by striking out the word "Act" in the second line and inserting in lieu thereof the words "Chapter and Title of the Revised Civil Statutes."

(4)

Amend the bill by inserting in the third line of Section 4, after the word "by" and before the word "chapter" the words "Section 2 of" and by striking out of Section 4 the words "as amended by Chapter 98, Acts of the Thirty-sixth Legislature."

(5)

Amend the bill by striking out the word "shall" in the second line of Section 6 and inserting in lieu thereof the word "should."

The amendments were adopted by unanimous consent.

Yeas and nays were demanded, and the bill was finally passed by the following vote:

Yeas—13.

Burkett.	Parr.
Davis.	Ridgeway.
Doyle.	Stuart
Dudley.	Thomas.
Fairchild.	Witt.
Floyd.	Wood.
Murphy.	

Nays—9.

Bailey.	Strong.
Bowers.	Turner.
Lewis.	Watts.
McMillin.	Woods.
Rice.	

Present—Not Voting.

Baugh.	Darwin.
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Absent.

Cousins.	Pollard.
Holbrook.	Wirtz.

Absent—Excused.

Bledsoe.  
Clark.

Rogers.

(Senator Fairchild in the Chair.)

**S. B. No. 40 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 40, A bill to be entitled "An Act to define and regulate the practice of professional nursing; to create a Board of Nurse Examiners for the examination and licensing of nurses and to prescribe their qualifications; to provide for the proper registration and for the revocation of certificates and to fix suitable penalty for the violation of this Act; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time.

Senator Bailey moved that the bill be set as a special order after the morning call next Monday.

On motion of Senator Dudley, the motion to set as a special order was tabled.

Question recurred on the final passage of the bill.

Yeas and nays were demanded, and the bill was finally passed by the following vote:

Yeas—14.

Baugh.	Ridgeway.
Darwin.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Holbrook.	Witt.
Lewis.	Wood.

Nays—9.

Bailey.	Murphy.
Bowers.	Rice.
Cousins.	Strong.
Davis.	Woods.
Floyd.	

Absent.

Parr.	Wirtz.
Pollard.	

Absent—Excused.

Bledsoe.

(Pairs Recorded.)

Senator Burkett (present), who would vote yea; with Senator Clark (absent), who would vote nay.

Senator McMillin (present), who would vote nay; with Senator Rogers (absent), who would vote yea.

**S. B. No. 234 on Second Reading.**

On motion of Senator Doyle, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 234, A bill to be entitled "An Act to amend Article 3833 of Chapter 4 of the General Laws of the State of Texas as passed by the Thirty-sixth Legislature at its Third Called Session, 1920, entitled 'An Act to amend Article 3883 of Chapter 130 of the General Laws of the State of Texas passed by the Thirty-fifth Legislature at its Regular Session, regulating the fees allowed county officers in certain counties in this State, and declaring an emergency,' so as to add to and include in the counties of this State therein referred to, counties in this State wherein the taxable values are not less than \$40,000,000, nor more than \$60,000,000, and declaring an emergency."

The Chair laid the bill before the Senate, and it was read second time.

Senator Doyle offered the following amendments to the bill:

(1) Amend Senate Bill No. 234, page 1, line 26, by striking out the figures "\$40,000,000" and inserting the figures "\$50,000,000" in lieu thereof.

(2) Amend caption of Senate Bill No. 234 in line 15, page 1, by erasing the figures "\$40,000,000" and insert in lieu thereof the figures "\$50,000,000."

The amendments were adopted.

Senate Bill No. 234 was passed to engrossment.

**S. B. No. 88 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 88, A bill to be entitled "An Act to prohibit the hiring, employing or commissioning by any State or county officer, or State Adjutant General of any person, firm or corporation whose salary or any portion thereof is paid by such person, firm or corporation when such per-

son, firm or corporation is interested in any dispute or disagreement with his, her, its or their employees."

The bill was read third time, and, on motion of Senator Burkett, was made a special order following the disposal of Senate Bill No. 115 set as a special order after the morning call next Monday.

(Lieutenant Governor Davidson in the Chair.)

#### **S. B. No. 411 on Second Reading.**

On motion of Senator McMillin, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order.

S. B. No. 411, A bill to be entitled "An Act taking certain property from Common School District No. 49 of Grayson County, commonly known as Jernigan School District and attaching the same to and making it part of Common School District No. 50 of Grayson County, commonly known as Pink Hill School District; providing that the county board of school trustees shall have the same authority with respect to this property as though the same had been added to said Common School District No. 50 by a lawful act of the said trustees; and providing for an election to adjust the property thus added to said district as to taxes which may be now levied upon said Common School District No. 50 for local maintenance purposes, and for an assumption by said Common School District No. 50 of pro rata of bonds issued by, and the pro rata taxes assessable against said added property on account of an outstanding bond issue existing against said Common School District No. 49; and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, the committee report that the bill be not printed was adopted, and by unanimous consent, the Senate rule, requiring committee reports to lie over one day, was suspended, and the bill was passed to engrossment.

#### **S. B. No. 411 on Third Reading.**

On motion of Senator McMillin, the constitutional rule requiring bills to be read on three several days in

each house was suspended, and Senate Bill No. 411 was put upon its third reading and final passage by the following vote:

Yeas—26.

Bailey.	McMillin.
Baugh.	Murphy.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Parr. Wirtz.

Absent—Excused.

Bledsoe. Rogers.  
Clark.

The Chair laid Senate Bill No. 411 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—26.

Bailey.	McMillin.
Baugh.	Murphy.
Bowers.	Parr.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Pollard. Wirtz.

Absent—Excused.

Bledsoe. Rogers.  
Clark.

#### **S. B. No. 347 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 347, A bill to be entitled

"An Act to amend an Act, passed by the Regular Session of the Thirtieth Legislature, known as H. B. No. 470 and approved April 4, 1907, entitled 'An Act creating an independent school district to be known as the Coleman Independent School District,' which was read third time, whereupon, under the Senate rule, the Chair laid before the Senate on its second reading,

H. B. No. 578, which is a bill on the same subject.

On motion of Senator Baugh, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 578 was put upon its second reading and passage to third reading by the following vote:

Yeas—26.

Bailey.	McMillin.
Baugh.	Murphy.
Bowers.	Parr.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Pollard.	Wirtz.
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Absent—Excused.

Bledsoe.	Rogers.
Clark.	

The Chair then laid before the Senate on its second reading and passage to third reading,

H. B. No. 578, A bill to be entitled "An Act to amend an Act passed by the Regular Session of the Thirtieth Legislature, known as House Bill No. 470, and approved April 4, 1907, entitled 'An Act creating an independent school district to be known as the Coleman Independent School District, including within its limits the municipal corporation of the town of Coleman, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing

and equipping school buildings within the same, and to pay current expenses for the maintenance and support of said schools and further prescribing the duties and authorities of said board so as to hereafter read as follows, and extending and defining its boundaries and including within its limits the municipal corporation of the city of Coleman, and to provide for the creation of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes and provide authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor and to pay all current expense for maintenance and support of said school, declaring valid all issues of bonds heretofore made, declaring valid maintenance tax heretofore voted and repealing all laws in conflict herewith insofar as they conflict with this Act, and declaring an emergency.'"

The bill was read second time, the Senate rule requiring committee reports to lie over one day was suspended, committee report that the bill be not printed was adopted, and the bill was passed to engrossment.

H. B. No. 578 on Third Reading.

On motion of Senator Baugh, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 578 was put upon its third reading and final passage by the following vote:

Yeas—26.

Bailey.	McMillin.
Baugh.	Murphy.
Bowers.	Parr.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Wirtz.

Absent—Excused.

Bledsoe.	Pollard.
Clark.	Rogers.

The Chair then laid H. B. No. 578 before the Senate on its third reading and final passage.

The bill was read third time and passed.

#### **S. B. No. 357 on Second Reading.**

On motion of Senator Strong, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order.

S. B. No. 357, A bill to be entitled "An Act to release the property of the Timpson & Henderson Railway Company from the payment of taxes levied against it for State and county purposes, in the counties of Rusk, Panola and Shelby, for the years 1917 to 1922 by reason of public calamity, and declaring an emergency."

The Chair laid the bill before the Senate, and it was read second time.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 357 by adding Section 1a to read as follows:

"Section 1a. Provided that this Act shall not be operative unless said railroad company mentioned above, its successors, receivers, purchasers, or assigns, shall by the first day of January, 1924, begin actual operation to reconstruct and rehabilitate said railroad."

The amendment was adopted.

The bill was then passed to engrossment.

#### **S. B. No. 227—Set as Special Order.**

On motion of Senator Burkett, S. B. No. 227 was set as a special order following the morning call next Tuesday.

#### **Simple Resolution No. 82.**

By Senator Pollard:

Whereas, Mrs. Bessie Knox Kintner, an accomplished violinist and instructor in musical theory, is now within the presence of the Senate; therefore, be it

Resolved, That Mrs. Kintner be invited to play before the Senate.

The resolution was read and adopted.

The Chair appointed Senators Pollard, Fairchild and Thomas as a committee to escort Mrs. Kintner to the President's stand, and she rendered several musical numbers.

#### **H. B. No. 47 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 47, A bill to be entitled "An Act to amend Sections One (1) and Fifteen (15) of Chapter Eighty-one (81) of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State of Texas, as amended by Chapter Thirty-four (34) of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth (36) Legislature, approved July 25, 1919, as amended by Chapter One Hundred Nineteen (119) of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-seventh (37) Legislature, approved March 31, 1921, extending the term of said Commission to the last Saturday in June, 1923, and providing for the appointment of judges for said extended term of said Commission from the last Saturday in June, 1923, until the last Saturday in June, 1925, for the appointment of judges for said extended term; providing for the qualifications thereof and fixing the same, and providing and fixing the salaries of the same and the manner of payment thereof, and declaring an emergency."

The bill was read third time and passed.

#### **H. B. No. 70 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 70, A bill to be entitled "An Act to amend Article 2178, Chapter 24, Title 37, of the Revised Civil Statutes of Texas, making attorney's fees recoverable in certain cases, by adding thereto a provision making the attorney's fees recoverable in certain suits for loss of, or damage to, express shipments, and declaring an emergency."

The bill was read third time and passed.

#### **H. B. No. 33—Vote Reconsidered.**

Senator Fairchild called up the motion to reconsider the vote by

which the Senate refused to pass House Bill No. 33 to third reading.

Yeas and nays were demanded, and the motion to reconsider prevailed by the following vote:

Yeas—13.

Burkett.	Parr.
Cousins.	Pollard.
Darwin.	Strong.
Dudley.	Thomas.
Fairchild.	Witt.
Holbrook.	Wood.
Murphy.	

Nays—11.

Bailey.	McMillin.
Baugh.	Ridgeway.
Bowers.	Turner.
Davis.	Watts.
Doyle.	Woods.
Lewis.	

Absent.

Floyd.	Stuart.
Rice.	Wirtz.

Absent—Excused.

Bledsoe.	Rogers.
Clark.	

Yeas and nays were demanded, and H. B. No. 33 was then passed by the following vote:

Yeas—12.

Burkett.	Murphy.
Cousins.	Parr.
Darwin.	Pollard.
Dudley.	Strong.
Fairchild.	Thomas.
Holbrook.	Witt.

Nays—11.

Bailey.	McMillin.
Baugh.	Ridgeway.
Bowers.	Turner.
Davis.	Watts.
Doyle.	Woods.
Lewis.	

Present—Not Voting.

Stuart.

Absent.

Floyd.	Wirtz.
Rice.	Wood.

Absent—Excused.

Bledsoe.	Rogers.
Clark.	

### H. B. No. 177 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 177, A bill to be entitled "An Act to amend Article 5645, Chapter 4, Title 86, Revised Statutes of 1911, Chapter 152, of the General Laws of 1897, Acts of the Twenty-fifth Legislature, same being an Act to protect accountants, bookkeepers, clerks, artisans, craftsmen, operatives, servants, mechanics, quarrymen, common laborers and farm hands; to provide a lien and preserve a time of payment in lawful money of the United States and prescribing the duty of the assignee or assignees of such person or persons, employer, firm or corporation, by changing the time when a duplicate account shall be presented to employer, person, firm or corporation from thirty to ninety days and by changing the time of filing the other duplicate accounts with the county clerk from thirty days to ninety days; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time and passed.

### H. B. No. 279 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 279, A bill to be entitled "An Act to amend Article 2771, Revised Statutes, 1911, as amended by the Thirty-fifth Legislature, Chapter 160, reducing the amount of bond required of depositories of independent districts."

The bill was read third time and passed.

### H. B. No. 287 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 287, A bill to be entitled "An Act to provide that a water improvement district which has made and filed an application with the State Board of Water Engineers for the appropriation and use of water on certain defined lands and for the storage of the water of a stream and watershed and shall have been

granted a permit therefor by the State Board of Water Engineers, and parts of said land for which such water was appropriated for irrigation are not included within such district granted such permit, but is included within another district, the said district to which said permit was granted may convey same and all rights granted by said permit insofar as same pertain to said lands to the district in which said lands are located, validating such permits, and declaring an emergency."

The bill was read the third time and passed.

**Yeas—26.**

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

**Absent.**

Floyd.	Wirtz.
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**Absent—Excused.**

Bledsoe.	Rogers.
Clark.	

**S. B. No. 406 on Third Reading.**

On motion of Senator Darwin the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 406 was put upon its third reading and final passage by the following vote:

**Yeas—24.**

Bailey.	McMillin.
Baugh.	Murphy.
Bowers.	Parr.
Burkett.	Pollard.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

**Absent.**

Floyd.	Watts.
Rice.	Wirtz.

**Absent—Excused.**

Bledsoe.	Rogers.
Clark.	

The Chair then laid before the Senate on its third reading and final passage,

S. B. No. 406, A bill to be entitled "An Act to amend Chapter 141, Acts of the Regular Session of the Thirty-fifth Legislature, so as to prohibit commissioners' courts and supervisors of levee improvement districts from letting contracts calling for or requiring the expenditure of two thousand dollars (\$2,000) or more without first submitting same to competitive bids and publishing notice of the proposed letting of such contract; providing that such requirement may be waived in case of public calamity; requiring all contracts for more than five hundred dollars (\$500.00) and less than two thousand dollars (\$2,000) be let on competitive basis; providing that contracts made in violation of this Act shall not be enforced and may be enjoined; and declaring an emergency."

The bill was read third time and passed by the following vote:

**Yeas—24.**

Bailey.	McMillin.
Baugh.	Murphy.
Bowers.	Parr.
Burkett.	Pollard.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

**Absent.**

Floyd.	Watts.
Rice.	Wirtz.

**Absent—Excused.**

Bledsoe.	Rogers.
Clark.	

**S. B. No. 285 on Second Reading.**

On motion of Senator Cousins, by unanimous consent, the regular order

was suspended, and the Senate took up out of its regular order,

S. B. No. 285, A bill to be entitled "An Act amending Section 1 of Chapter 5 of the General Laws of the First Called Session of the Thirty-fifth Legislature and providing for the fixing of an indeterminate sentence upon conviction for a felony; and providing for conditional pardon of persons convicted of felony under certain conditions."

The Chair laid the bill before the Senate, and it was read second time.

Yeas and nays were demanded, and the bill was passed to engrossment by the following vote:

Yeas—16.

Burkett.	Pollard.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Fairchild.	Thomas.
Holbrook.	Wirtz.
Murphy.	Wood.
Parr.	Woods.

Nays—7.

Bowers.	McMillin.
Doyle.	Turner.
Dudley.	Witt.
Lewis.	

Absent.

Bailey.	Rice.
Baugh.	Watts.
Floyd.	

Absent—Excused.

Bledsoe.	Rogers.
Clark.	

S. B. No. 379 on Second Reading.

On motion of Senator Parr, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 379, A bill to be entitled "An Act to prohibit the hunting or taking of wild game birds and wild game fowls and wild animals from an airplane, a powerboat, a sailboat, any boat under sail, or any floating device towed by powerboat or sailboat; prescribing penalties for the violation of its provisions; providing for the Game, Fish and Oyster Commissioner and his deputies to have jurisdiction in the enforcement of same; and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, and passed to engrossment.

S. B. No. 8 on Second Reading.

On motion of Senator Murphy, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 8, A bill to be entitled "An Act to repeal Article 809 of the Code of Criminal Procedure, 1911, and to amend Article 810 of the Code of Criminal Procedure, 1911, so that the same shall hereafter provide that no statements, oral or written, made by any person charged with any crime, shall be used or offered in evidence in the trial of any cause against him."

The Chair laid the bill before the Senate, it was read second time and the committee report carrying the following substitute was adopted:

"An Act providing that if any sheriff, deputy sheriff, constable, ranger, city marshal, chief of police, policeman, or any other public officer in this State, having under arrest or in his custody as prisoner any person, shall torture, torment, or punish any such person by inflicting on him any mental or physical pain for the purpose of making such person or attempting to make such person confess any knowledge of the commission of any crime, such officer shall be deemed guilty of a misdemeanor and shall be punished as hereinafter provided, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall hereafter be unlawful for any sheriff, deputy sheriff, constable, deputy constable, State ranger, city marshal, chief of police, policeman or any other officer, having under arrest or in his custody as a prisoner a person, to torture, torment or punish such person by inflicting upon him any physical or mental pain for the purpose of making such prisoner or person, or attempting to make such prisoner or person confess to any knowledge of the commission of any offense or crime against the laws of this State.

Sec. 2. Any such officer violating the provisions of Section 1 of this Act shall be punished by a fine of not less than one dollar nor more than one thousand dollars, or by imprisonment in the county jail for a period not to exceed one year, or

by both such fine and imprisonment, (and in addition thereto, the jury trying said case may state in its verdict that the defendant should never thereafter be allowed to hold any office of profit or trust under the laws of this State, or any subdivision thereof, nor any city or town thereof). Should the jury so state in its verdict, the court trying said case shall render its judgment in accordance with the said verdict of the jury and thereafter the defendant shall forever be barred from holding any such office.

Sec. 3. The fact that the peace officers in Texas have within the last two years been charged and admitted that they resorted to the means herein denounced for the purpose herein stated and the further fact that such practices outrage Christian civilization and do violence to the spirit and genius of our government, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is hereby suspended and that this Act take effect from and after its passage, and it is so enacted.

The bill was then passed to engrossment.

#### **S. B. No. 252 on Second Reading.**

Senator Wirtz moved to suspend the regular order and that the Senate take up out of its regular order,

S. B. No. 252. A bill to be entitled "An Act to amend Article 1064 of the Revised Civil Statutes of the State of Texas of 1911, so as to provide means for settlement of debts of municipal corporations where abolished or where de facto municipal corporations are heretofore or hereafter declared void by a court of competent jurisdiction and by adding after said article a new article to be known as Article 1064a, so as to provide that holders of indebtedness of such municipal corporation may maintain suit in proper court and have service on named officials and judgment as if such corporation had not been dissolved."

The motion prevailed by the following vote:

#### **Yeas—22.**

Bowers.	Farr.
Burkett.	Pollard.
Cousins.	Rice.
Darwin.	Ridgeway.
Davis.	Strong.
Dudley.	Stuart.
Fairchild.	Thomas.
Holbrook.	Turner.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.

#### **Absent.**

Bailey.	Floyd.
Baugh.	Watts.
Doyle.	Woods.

#### **Absent—Excused.**

Bledsoe.	Rogers.
Clark.	

The Chair laid the bill before the Senate, and it was read second time.

Senator Wirtz offered the following amendment to the bill:

Amend S. B. No. 252 by inserting after the word "corporation," line 24, page 1, the following: "shall be vested in the new one; and the new corporation."

The amendment was adopted.

S. B. No. 252 was then passed to engrossment.

#### **S. B. No. 338 on Second Reading.**

On motion of Senator Thomas, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 338, A bill to be entitled "An Act to amend Section 52 of Article 30, Title 5, of the Revised Statutes, changing the time of holding the terms of the district court of the Fifty-second Judicial District of Texas, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, and was passed to engrossment.

#### **S. B. No. 184 on Second Reading.**

On motion of Senator Ridgeway, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 184, A bill to be entitled "An Act to amend Article 904 of

Chapter 5 of the Revised Statutes of Texas by prescribing and defining the jurisdiction of corporation courts in cities, towns and villages having a population of less than one hundred and fifty thousand inhabitants, and by adding Article 904a, prescribing and defining the jurisdiction of corporation courts in cities having populations of one hundred and fifty thousand inhabitants or more, and by amending Article 921, prescribing and defining the rights and manner of appealing from judgments or convictions entered in corporation courts in cities, towns and villages having populations of less than one hundred and fifty thousand inhabitants, and by adding Article 921a, providing for appeals to the Court of Criminal Appeals of this State from judgments of conviction entered in such courts, and providing that there shall be no appeals from such courts when the punishment assessed is by fine of twenty-five dollars or less, and conforming all laws to the provisions of this Act; and providing for an emergency."

The Chair laid the bill before the Senate, it was read second time and the committee report carrying the following amendments was adopted:

I.

That all after the enacting clause be stricken out and the following substituted in lieu thereof:

"That Article 904 of the Revised Statutes of the State of Texas be amended so that the same shall hereafter read as follows:

Article 904. The corporation courts in all cities, towns and villages in this State having a population of less than one hundred thousand inhabitants according to the last United States census shall have jurisdiction within the territorial limits of said city, town or village, within which it is established, in all criminal cases arising under the ordinances of the city, town or village, now in force, or hereafter to be passed, and shall also have jurisdiction concurrently with any justice of the peace in any precinct in which said city, or town or village is situated, in all criminal cases arising under the criminal laws of this State, in which the punishment is by fine only, and where the maximum of such fine may not exceed two hundred dollars, and arising

within the territorial limits of such city, town or village.

Article 904a. That in all cities having a population of one hundred thousand or more, according to the last United States census, the corporation court shall have concurrent jurisdiction with the county court or other similar courts of like jurisdiction in all criminal cases arising under the ordinances of the said city as well as the criminal laws of the State, within the territorial limits of any such city, and over such additional territory as may have been granted to such city and by virtue of its charter, which shall also extend to and include any and all public grounds and property that may be owned or controlled, or that may hereafter be acquired by such city without the corporate limits of said city, and in the county, that the said court shall further have jurisdiction in all criminal cases arising under the ordinances of the city now in force or hereafter passed and under the criminal laws of the State, concurrent with the justice of the peace court in any precinct in which said city is situated. That said court shall have no terms and shall at all times be open for the transaction of business under such regulations as may be prescribed by the governing authorities of such city.

Article 904b. All rules of pleading, practice and procedure followed in the county court or similar court shall apply in said corporation court in each city having a population of one hundred thousand inhabitants and over according to the last United States census insofar as the same are applicable; provided, that all prosecutions shall be commenced upon affidavit duly sworn to and filed; and provided, further, that all motions for new trials shall be filed within two days from the date of conviction in said corporation court, and such motion shall be finally heard and passed upon by the judge within ten days thereafter, and in case any motion is not acted upon by the judge within said time, said motion shall be considered overruled. It shall not be necessary for the prosecution to file an information, nor shall it be necessary for the judge of said court to charge the jury in any case wherein the

punishment shall be by fine only, and where such fine may not exceed in amount the sum of two hundred dollars, unless requested in writing by either the State or the defendant. Affidavits before such court may be sworn to before the judge, clerk of said court, deputy clerk, city secretary, city attorney or any attorney representing the State in said court as herein provided for, or any other officer authorized to administer oaths, and for the taking of such complaints, each and all of said officers are hereby empowered and authorized to administer such oaths. That the city attorney of such city, or other counsel designated by him with the approval of the governing body thereof, shall conduct all prosecutions before said court; but the county attorney of the county in which such city is situated, may, if he so desires, represent the State of Texas in all prosecutions in said court; but in such cases the county attorney shall not be entitled to receive any fees or other compensation whatever for said services, and in no case shall he have the power to dismiss any prosecution pending in said court; unless for reasons filed, and approved by the judge thereof.

Article 904c. The judge of the corporation court in cities having a population of one hundred thousand and over according to the last United States census shall have the power to punish for contempt to the same extent and under the same circumstances as is conferred upon the county judge. He shall have the power to take and forfeit bail bonds under such rules and regulations as now govern the taking and forfeiture of the same in the county court or similar courts; provided, however, that in the forfeiture of any recognizance or bail bond, all persons not entering into same shall be cited to appear before said court not later than fifteen days from the date of the entering of the order of forfeiture, then and there to show cause why final judgment should not be made in the manner as provided by law for the forfeiture of bail bonds or recognizances for the county court. That all process issuing out of said court shall be served by the chief of police, city

marshall, or any policeman of the city within which it is situated, and the same rules and regulations as are now provided by law for service by sheriffs, and constables of process issuing out of the county court shall apply insofar as the same are applicable. Writs issuing out of the said court may be executed by the proper city officers anywhere within the county in which said city is situated or by other officers as provided by law.

Article 921 of the Revised Civil Statutes of Texas shall be amended so the same shall hereafter read as follows:

Article 921. Appeals shall be allowed from all judgments of conviction entered by corporation courts in cities, towns and villages having a population of one hundred thousand inhabitants or less, according to the last United States census. Such appeals shall be heard by the county courts in the counties or by such courts as may be designated by law for hearing appeals in criminal cases from justice courts, except in cases where the county courts have no jurisdiction over criminal cases, in which counties such appeals shall be heard by the district courts of such counties, unless in such there is a criminal district court, in which case the appeal shall be from the corporation courts to the said criminal district court; and, in all such appeals to such county court, district court, or criminal district court, the trial shall be de novo, the same as if the prosecution had been, originally commenced in that court. Said appeals shall be governed by the rules of practice and procedure for appeals from justices' courts to the county court, as far as the same may be applicable.

Article 921a. Appeals from judgments rendered by such corporation court in each city having a population of one hundred thousand and over, shall be heard in the court of criminal appeals and shall be governed, insofar as applicable, by the rules of practice and procedure for appeals from the county court or similar courts of like jurisdiction; provided, that any defendant desiring to appeal from the judgment of said corporation court to the court

of criminal appeals shall perfect his appeal within twenty days from the time herein fixed for the final acting upon the motion for a new trial in such courts; provided, however, that the judge of the corporation court may, if in his judgment he deems the same advisable, make an order extending the time for an additional period of twenty days for the filing of bills of exceptions and statements of facts, when requested in writing by the State or defendant, provided, that no appeal shall be allowed or lie to the court of criminal appeals from any judgment of the said corporation court where the punishment assessed is a fine only and the said fine does not exceed the amount of \$25.00 exclusive of court costs. That in all other cases appeals shall lie and be allowed to the said court of criminal appeals and it shall be the duty of the said court of criminal appeals of the State to receive and determine the said appeals in the same manner as far as practicable that appeals are received and determined from the county courts or similar courts of like jurisdiction. That the manner of preparing and making up the transcript of record and of filing statements of facts, bills of exceptions and other matters affecting the proceedings before the said corporation court shall be controlled in all respects as far as practicable by the laws providing for such proceedings or appeals from the county courts or similar courts of like jurisdiction insofar as such laws are applicable.

Article 921b. That the provisions in Chapter V, Title 22, of the Revised Statutes providing for the right of trial by jury, the character of seal to be used as well as all other provisions so far as the same may be applicable to the corporation court in cities having a population of more than one hundred thousand as shown by the last United States census, as well as the provisions of the Code of Criminal Procedure regulating the amount and collection of jury and witness fees and providing for the enforcing of the attendance of witnesses; that all other laws relating to criminal procedure in the county courts shall be deemed cumulative of the provisions hereof

and shall apply as far as applicable. That any city having a population of more than one hundred thousand as shown by the last United States census may adopt the provisions of this Act by a resolution duly passed by the governing authorities and provide, therein that the judge and other officers of the corporation court may continue to act as such officers and exercise the powers of the corporation court herein provided for for cities having more than one hundred thousand inhabitants. That all such officers shall continue in office in accordance with the terms of their appointment and shall be appointed or elected as provided by the charter and ordinance of any such city. That until the adoption of the said resolution any such city shall continue under the powers conferred on the corporation courts of cities having a population of less than one hundred thousand.

Article 921c. The fact that there is an urgent need for the enlargement of the jurisdiction of the corporation courts in cities in this State having a population over one hundred thousand inhabitants and for the direct appeal to the Court of Criminal Appeals from judgments of conviction in said courts creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended and this Act shall take effect from and after its passage and it is so enacted.

## II.

That all before the enacting clause be stricken out and the following inserted in lieu thereof as caption to said bill:

"An Act to amend Article 904 of Chapter V, of the Revised Statutes of Texas by prescribing and defining the jurisdiction of corporation courts of cities, towns and villages having a population of less than one hundred thousand inhabitants, and by adding Articles 904a, 904b and 904c, defining and enlarging the jurisdiction of corporation courts of cities having a population of more than one hundred thousand inhabitants, and prescribing the power of the court to punish for contempt, the taking and forfeiture of recog-

nizance and bail bonds and issuance of process out of said court, and amending Article 921, prescribing and defining the manner of appealing from the judgment of convictions entered in the corporation courts of cities, towns and villages having a population of less than one hundred thousand, and by adding Articles 921a, 921b, and 921c, providing for appeals and the method of appeals to the Court of Criminal Appeals of this State from judgments in the said courts, and providing that there shall be no appeals from such courts where the fine does not exceed the sum of twenty-five (\$25.00) dollars exclusive of court costs, providing for the method of filing statements of facts, bills of exceptions, and providing for conforming all laws as far as applicable to the provisions of this Act, and providing for an emergency."

On motion of Senator Burkett, the bill was then laid on the table subject to call.

#### **S. B. No. 299 on Second Reading.**

On motion of Senator Stuart, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order.

S. B. No. 299, A bill to be entitled "An Act repealing Article 7377 of the Revised Civil Statutes of the State of Texas, providing for an occupation tax on the gross sales of wholesale dealers in mineral oils refined from petroleum."

The Chair laid the bill before the Senate, it was read second time, and on motion of Senator Wood was laid on the table subject to call.

#### **S. B. No. 325 on Second Reading.**

On motion of Senator Holbrook, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order.

S. B. No. 325, A bill to be entitled "An Act to amend Articles 10, 15, 27, 31, 32, 39, 40, 50, 53 and 63 of an Act passed at the First Called Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act creating the office of Game, Fish and Oyster Commissioner, providing for the protection of fish and other marine life, being S. B. No.

107, Chapter 73, of the General Laws of the said First Called Session, changing certain penalties therein, making necessary changes in regulations, repealing all laws in conflict herewith, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, and was passed to engrossment.

#### **Resignations From Conference Committee.**

Senators Witt, Baugh and Woods tendered their resignations as members of the Free Conference Committee on H. B. No. 168, and their resignations were accepted.

#### **H. B. No. 168—Additional Conference Committee Appointed.**

By Senator Darwin:

I move that Senators Stuart, McMillin and Thomas be added to the conference committee on House Bill No. 168.

The motion carried.

#### **S. B. No. 131 on Second Reading.**

On motion of Senator Witt, by unanimous consent, the regular order was suspended and the Senate took up out of its order.

S. B. No. 131, A bill to be entitled "An Act to amend Title 3 of the Revised Civil Statutes entitled 'Aliens'; amending Chapter 134 of the General Laws of the State of Texas, passed by the Thirty-seventh Legislature, providing that the provisions of said Chapter 134 shall not apply to persons, firms and corporations who have heretofore or who shall hereafter lease or purchase the right to prospect for, develop, and use coal, petroleum, gas and other minerals; and repealing all Acts or parts of Acts not consistent with or in conflict therewith; and declaring an emergency."

The Chair laid the bill before the Senate, and it was read second time.

Senator Witt offered the following amendment to the bill:

Amend Senate Bill No. 131, page 1, line 26, of the printed bill by adding after the word "coal" the word "oil."

On motion of Senator Witt, the bill was laid on the table, subject to call.

#### H. B. No. 322 on Second Reading.

On motion of Senator Thomas, by unanimous consent, the regular order was suspended and the Senate took up out of its order,

S. B. No. 322, A bill to be entitled "An Act providing that it shall be unlawful for the owner, keeper or person in control of any dog accustomed to run, worry or kill goats or shepp, knowing such dog to be so accustomed to run, worry or kill goats or sheep, to permit such dog to run at large; providing penalties, and declaring an emergency."

The Chair laid the bill before the Senate, and it was read second time.

Senator Pollard offered the following amendment to the bill:

Amend Senate Bill No. 322, by adding after "sheep and goats," wherever they appear in said bill, "and poultry."

The amendment was adopted.

Senate Bill No. 322 was then passed to engrossment.

#### Adjournment.

On motion of Senator Holbrook, the Senate, at 10:30 p. m., adjourned until 10 a. m. tomorrow.

#### APPENDIX.

##### Committee Reports.

Senate Chamber,  
Austin, Texas, March 2, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 256 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, March 2, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 271 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, March 2, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 349 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, March 2, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 412 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,  
Austin, Texas, March 1, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 535, A bill to be entitled "An Act to amend Sections 20 and 21 of Chapter 207, General Laws of the Regular Session of the Thirty-fifth Legislature, 1917, fixing the rate of speed for motor vehicles upon the public highways of the State and within the corporate limits of any incorporated cities or towns and within the boundaries of towns and villages not incorporated, prescribing penalties for violations of the provisions of the Act, repealing all laws or parts of laws in conflict with its provisions."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be printed in the Journal.

TURNER, Chairman.

Committee Room,  
Austin, Texas, March 1, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 337, A bill to be entitled "An Act to amend Article 1207, Title 17e, of the Code of Criminal Procedure of the State of Texas, (Acts 1917) so as to provide for the creation of a juvenile board, and to create same, in such counties of this State as now, or may hereafter have taxable values not less than \$40,000,000.00 and not more than \$60,000,000.00; to be optional with

the commissioners' court whether or not the members of such board shall be allowed compensation; it shall also be optional with the commissioners' court whether such board shall be organized in such counties; providing for fees of sheriffs; providing who shall constitute said board, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 352, A bill to be entitled "An Act to amend Acts of 1903, page 123, Acts 1903, page 124, and Acts of 1915, page 137, and Sections 1, 3 and 4 of the Acts of the Thirty-seventh Legislature at its Regular Session, being Articles 784 and 788, Chapter 9, Title 12, Revised Criminal Statutes of Texas, relating to a State Embalming Board and the method of appointment, filling vacancies, prescribing the duties and powers of the board, providing for the examination and licensing of embalmers and undertakers, the fees thereof, making it unlawful to engage in the business or practice of embalming and undertaking without license, and providing a penalty for the violation thereof or failure to pay said fee."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 410, A bill to be entitled "An Act amending Section 124a of Chapter 124 of the General Laws of the Regular Session of the Twenty-ninth Legislature, page 296, so as to make it a felony to violate said section, said section being upon the subject of preventing fraud in teachers' examinations; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and that it be printed in the Journal.

TURNER, Chairman.

Committee Room,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 408, A bill to be entitled "An Act to amend Article 668 of the Code of Criminal Procedure of Texas, 1911, providing the mode and manner of serving a ~~special~~ venire, and repealing all laws or parts of laws in conflict with its provisions."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be printed in the Journal.

TURNER, Chairman.

Committee Room,

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 410, A bill to be entitled "An Act requiring the erection of adequate fire escapes on certain classes of three or more story buildings now or hereafter constructed in this State, and making it the duty of the owners of such buildings and the duty of all boards, commissions, board of trustees of public schools, county commissioners' courts, city councils, boards of city commissioners, and all officials having charge or supervision of public buildings within the provisions of this Act and owned by this State or by any county, city, town or school district to provide such buildings with adequate fire escapes; defining the term "owner," "story" and "adequate fire escapes," and fixing minimum specifications for adequate fire escapes and requiring the maintenance of exit and guide lights and signs to fire escapes and making it an offense to obstruct the free access to any fire escape; fixing the time within which such buildings shall be equipped with fire escapes and exempting from this Act certain buildings already equipped with fire escapes meeting

certain requirements; fixing penalties for violation of any provision of this Act by owners of buildings, and making it an offense for any person as agent to represent a non-resident owner of any building within the provisions of this Act who fails to comply with this Act and fixing penalty therefor; providing that the State Fire Marshal shall have general supervision of the enforcement of this Act, and making it his duty and the duty of certain other officials to give notice of the provisions of this Act and file complaints for violation of its provisions, and authorizing private persons to file such complaints, and making it the duty of county attorneys and district attorneys under certain conditions, to prosecute such complaints providing that the attorney general and county and district attorneys may proceed by suit or injunction to enforce the provisions of this Act; and permitting such suits to be prosecuted on the relation of said officials or of the State Fire Marshal or any inspector of the State Fire Commission, or the chief of any fire department or the fire marshal of any city, town or of any private person, and authorizing district courts and judges thereof to issue mandatory injunctions and other writs to enforce the provisions of this Act; providing that if any section, paragraph or provision of this Act be held unconstitutional that such holding shall not affect the remaining sections, paragraphs or provisions hereof; repealing Chapter 70 of the Acts of the Regular Session of the Thirtieth Legislature, passed and approved April 6, 1907, and Chapter 12, of the Acts of the Regular Session of the Thirty-fourth Legislature passed and approved February 16, 1915, and Chapter 140 of the Acts of the Regular Session of the Thirty-fifth Legislature passed and approved March 30, 1917, all relating to fire escapes, and also repealing Articles 861 and 867 inclusive of the Penal Code of the Revised Criminal Statutes of 1911, and all laws and parts of laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do

pass, and be not printed, because S. B. No. 265 on same subject has been printed.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 244, A bill to be entitled "An Act to relieve various schools of the State by validating certain school districts, and where such districts have undertaken to provide for the issuance of schoolhouse bonds or the levying of special taxes, for any lawful school purposes, by proceedings not otherwise invalid; validating such bond issues and taxes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back with the recommendation that it do pass with the following committee amendment:

"This Act shall not be construed as validating any bond issue attempted to have been voted upon any territory larger than, or in any way different from, that defined by the latest valid order of the County Board of Trustees, changing and defining the boundaries of the district for which such election was attempted to be held."

WOOD, Chairman.

Committee Room,

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 563, A bill to be entitled "An Act to amend Section 1 of an Act entitled 'An Act creating the Pflugerville Independent School District in Travis and Williamson Counties, Texas, consolidating into said Independent School District the territory included in the present Pflugerville Independent School, Common School District No. 56, Common School District No. 12, Williamson and Travis County Line School District No. 14 and Common School District No. 15; defining its boundaries, vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the General Law;

providing for a board of trustees therefor; making provisions for taxation for school purposes in said district and declaring an emergency,' being H. B. No. 606 passed by the Regular Session of the Thirty-sixth Legislature and amended by H. B. No. 51, passed by the Second Called Session of the Thirty-sixth Legislature," changing and correcting the boundary lines of said school district, and validating and confirming the election of school trustees for said district and declaring an emergency," providing for the election of trustees in said school district and validating and confirming the election of school trustees for said school district."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 578, A bill to be entitled "An Act to amend an Act passed by the Regular Session of the Thirtieth Legislature, known as House Bill No. 470 and approved April 4, 1907, entitled 'An Act creating an independent school district, to be known as the Coleman Independent School District, including within its limits the municipal corporation of the town of Coleman, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools and further prescribing the duties and authorities of said board so as to hereafter read as follows, and extending and defining its boundaries and including within its limits, the municipal corporation of the city of Coleman, and to provide for the creating of a board of

trustees thereof and authorize the board of trustees to levy, assess and collect special taxes and provide authority to issue bonds for the purpose of purchasing school sites and erecting furnishing and equipping school buildings within the same, and to levy a tax therefor and to pay all current expenses for the maintenance and support of said school declaring valid all issues of bonds heretofore made, declaring valid maintenance tax heretofore voted and repealing all laws in conflict herewith in so far as they conflict with this Act, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 561, A bill to be entitled "An Act creating and incorporating Joe Stokes Independent School District in Lynn County, Texas, out of territory now comprising Common School District No. 17 of Lynn County as heretofore created by the county board of school trustees of said county: defining boundary thereof; providing for a board of trustees, their election, terms of office, qualification, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Joe Stokes Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 17, of Lynn County, validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property or said common school district shall vest in the trustees of independent school district hereby

created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provision hereof; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 560, A bill to be entitled "An Act creating and incorporating Midway Independent School District in Lynn County, Texas, out of territory now comprising Common School District No. 9 of Lynn County as heretofore created by the county board of school trustees of said county; defining boundary thereof; providing for a board of trustees, their election, terms of office, qualification, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Midway Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 9 of Lynn County; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas

in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision hereof, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate, with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 576, A bill to be entitled "An Act amending Chapter 52 of the Special and Local Laws passed by the Thirty-seventh Legislature at its First Called Session, by adding thereto Section 3a, providing for the assumption and refunding by the Cooper Independent School District of all or any part of the indebtedness bonded or otherwise of the city of Cooper, Texas, created for school purposes; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 549, A bill to be entitled "An Act creating the Thrall Independent School District in the county of Williamson, State of Texas; defining its boundaries, providing for a board of trustees to control and manage the schools of the said district, divesting Common School District No. 21 of Williamson County, Texas, of the control of the free schools of the said district, and of the title, management and control of all property held, owned and controlled for public free school purposes therein, and vesting the same

in the said Thrall Independent School District and in the board of trustees thereof; providing for the assessing and collecting of taxes; providing for the issuing of bonds; providing for the election of a treasurer for the said school district; providing for the election of an assessor and collector for said school district; providing for the erection of buildings, and equipping same for school purposes; and assuming the payment of the outstanding bonded indebtedness of Common School District No. 21 of Williamson County, Texas, and creating an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room.

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 411, A bill to be entitled "An Act taking certain property from Common School District No. 49 of Grayson County, commonly known as Jerigan School District, and attaching the same to and making it part of Common School District No. 50 of Grayson County, commonly known as Pink Hill School District; providing that the county board of school trustees shall have the same authority with respect to this property as though the same had been added to said Common School District No. 50 by a lawful act of said trustees; and providing for an election to adjust the property thus added to said district as to taxes which may now be levied upon said Common School District No. 50 for local maintenance purposes, and for an assumption by said Common School District No. 50 of the pro rata taxes assessable against said added property on account of an outstanding bond issue existing against said Common School District No. 49; and declaring an emergency."

Have had the same under consideration and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 546, a Bill to be entitled "An Act to validate Simmons Common School District Number Seven (7) in Grayson County, Texas, as re-defined and re-established by order of the county school trustees of Grayson County, Texas, on February 12th, 1923, and Common County Line School District Number Eight (8) as re-defined and re-established by an order of the county school trustees of Grayson County, Texas, on February 12th, 1923, and by an order of the county school trustees of Collins County, Texas, on February 13th, 1923."

Have had the same under consideration and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Lands, to whom was referred

S. B. No. 418, A bill to be entitled "An Act granting and dedicating to the city of Austin, Texas, for exclusively municipal park and other recreational purposes 6.41 acres of land, more or less, situated in or near the city of Austin, with reservations, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed in the Senate Journal.

THOMAS, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 389, A bill to be entitled "An Act to extend the jurisdiction, supervision, powers and duties of the Railroad Commission of Texas to and over the telegraph lines and tele-

phone lines lying within the State of Texas, and individuals, corporations, companies and associations engaged in the telegraph and telephone business within the State of Texas; and to provide for the regulation and control of such telegraph lines and telephone lines within the State of Texas, and individuals, corporations, and companies and associations engaged in the telegraph and telephone business within the State of Texas and repealing all Acts and parts of Acts inconsistent with the provisions of this Act."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WITT, Chairman.

(Minority Report.)

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred S. B. No. 389, have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WIRTZ.  
WOOD.

Committee Room,

Austin, Texas, March 2, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 151, A bill to be entitled "An Act to amend Articles 7407, 7409, 7414, 7415 and 7416 of the Revised Civil Statutes of the State of Texas of 1911, relative to the taxation of the intangible assets of certain corporations, associations and individuals, and providing for the creation of a State tax board for the valuation of such intangible assets and for the distribution of said values for local taxation and for the assessment of said assets, and the levy and collection of taxes thereon; and to provide for the repeal of all laws and parts of laws laying taxes upon the gross incomes of corporations, associations and individuals affected by the provisions thereof, so that as by this Act amended said articles shall provide that other and additional individuals, corporations, companies and associations be included and made subject to the provisions

thereof; fixing the salary of the tax commissioner, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WITT, Chairman.

(Minority Report.)

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred H. B. No. 151, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

BAUGH.  
WOOD.  
WIRTZ.

### THIRTY-EIGHTH DAY.

Senate Chamber,

Austin, Texas,

Saturday, March 3, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	McMillin.
Baugh.	Murphy.
Bowers.	Parr.
Burkett.	Pollard.
Cousins.	Rice.
Darwin.	Ridgeway.
Davis.	Strong.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Stuart.

Absent—Excused.

Bledsoe.  
Clark.

Rogers.  
Wirtz.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Wood.

(See appendix for committee reports and petitions.)